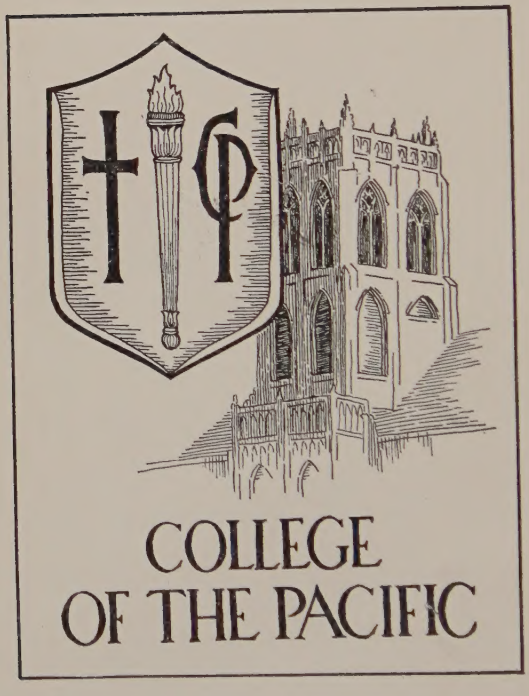
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ANNUAL REPORT

OF THE

AMERICAN HISTORICAL ASSOCIATION

FOR

THE YEAR 1907

IN TWO VOLUMES

Vol. II

Diplomatic Correspondence of the Republic of Texas

Part I

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EIGHTH REPORT OF THE
HISTORICAL MANUSCRIPTS COMMISSION.

DIPLOMATIC CORRESPONDENCE OF THE REPUBLIC OF TEXAS.

PART I.

LETTER OF TRANSMITTAL.

MADISON, WIS., *December 30, 1907.*

To the Executive Council of the American Historical Association.

GENTLEMEN: Herewith we beg leave to present, as the Eighth Report of the Historical Manuscripts Commission, a volume of the Texan Diplomatic Correspondence with the United States, edited by Prof. George P. Garrison, of the University of Texas.

Very respectfully yours,

J. FRANKLIN JAMESON.
EDWARD G. BOURNE.
WORTHINGTON C. FORD.
FREDERICK W. MOORE.
THOMAS M. OWEN.
JAMES A. WOODBURN.

DIPLOMATIC CORRESPONDENCE OF THE REPUBLIC OF TEXAS.

EDITED BY

GEORGE P. GARRISON, Ph. D.,

Professor of History in the University of Texas.

PART I.

CONTENTS.

	Page.
Introduction	19
Correspondence with the United States:	
Calendar of correspondence hitherto printed	25
Correspondence hitherto unpublished—	
Commission of Austin, Archer, and Wharton, December 7, 1835	51
Henry Smith to Austin, Archer, and Wharton, December 8, 1835	52
Henry Smith to Austin, Archer, and Wharton, December 17, 1835	54
Austin, Archer, and Wharton to Henry Smith, January 10, 1836	55
Austin, Archer, and Wharton to Henry Smith, January 10, 1836	55
Austin and Archer to Henry Smith, January 20, 1836	57
Austin and Archer to T. D. Owings, January 18, 1836	59
Austin and Archer to A. J. Yates, January 21, 1836	61
Austin and Archer to A. J. Yates, January 21, 1836	62
Austin and Archer to William Bryan, January 21, 1836	62
Receipt of A. J. Yates to Commissioners, January 21, 1836	63
Austin and Archer to Henry Smith, January 22, 1836	
James Robinson to Austin, Archer, and Wharton, January 23, 1836	64
Wm. H. Wharton to Henry Smith, February 7, 1836	65
Austin, Archer, and Wharton to Henry Smith, February 16, 1836	66
Stephen F. Austin to T. D. Owings, February 12, 1836	69
Stephen F. Austin to [Henry Smith (?)], February 18, 1836	70
Austin, Archer, and Wharton to Henry Smith, February 24, 1836	71
Austin and Archer to the Governor of Texas, March 3, 1836	72
George C. Childress to D. G. Burnet, March 28, 1836	74
Translation of Declaration of Mexican Minister [Gorostiza], April 1, 1836	74
David G. Burnet to Samuel P. Carson, April 1, 1836	75
Samuel P. Carson to Childress and Hamilton, April 1, 1836	76
Samuel P. Carson to Childress and Hamilton, April 1, 1836	77
Samuel P. Carson to John Forsyth, April 1, 1836	78
David G. Burnet to Samuel P. Carson, April 1, 1836	78
A. J. Yates to A. C. Allen, April 5, 1836	79
Austin, Archer, and Wharton to the Government of Texas, April 6, 1836	79
Wm. H. Wharton to Stephen F. Austin, April 6, 1836	80
Wm. H. Wharton to the Governor of Texas, April 9, 1836	81
Samuel P. Carson to David G. Burnet, April 14, 1836	83
George C. Childress to David G. Burnet, April 18, 1836	84
Wm. H. Wharton to David G. Burnet, April 23, 1836	86
Certificate from Wm. H. Wharton, April 22, 1836	87
John K. West to David G. Burnet, May 16, 1836	87
Thomas Urquhart and others to A. J. Dallas, May 9, 1836	88
David G. Burnet to Collinsworth and Grayson, May 26, 1836	89

Correspondence with the United States—Continued. Page.
Wm. H. Jack to Stephen F. Austin and others, May 27, 1836 91
Samuel P. Carson to David G. Burnet, June 1, 1836 92
Richard G. Dunlap to Samuel P. Carson, May 31, 1836 94
Samuel P. Carson to Richard G. Dunlap, May 31, 1836 95
Samuel P. Carson to Richard G. Dunlap, June 1, 1836 96
Richard G. Dunlap to Samuel P. Carson, June 1, 1836 97
Wm. H. Jack to John Forsyth, June 2, 1836 97
Stephen F. Austin to David G. Burnet, June 10, 1836 98
Childress and Hamilton to David G. Burnet, June 10, 1836 99
John Forsyth to David G. Burnet, June 25, 1836 100
Stephen F. Austin to David G. Burnet, July 2, 1836 100
Samuel P. Carson to David G. Burnet, July 3, 1836 101
David G. Burnet to Collinsworth and Grayson, July 8, 1836 104
Anto. Lopez de Santa Anna to Andrew Jackson, July 4, 1836 106
Anto. Lopez de Santa Ana to Don José Urrea, July 4, 1836 107
Samuel P. Carson to David G. Burnet, July 9, 1836 108
Collinsworth and Grayson to David G. Burnet, July 15, 1836 110
Austin, Archer, and Wharton to David G. Burnet, July 21, 1836 111
Wm. H. Jack to Collinsworth and Grayson, July 23, 1836 112
P. W. Grayson to Wm. H. Jack, July 30, 1836 114
P. W. Grayson to David G. Burnet, August 2, 1836 117
David G. Burnet to Collinsworth and Grayson, August 9, 1836 118
David G. Burnet to Collinsworth and Grayson, August 10, 1836 119
P. W. Grayson to Wm. H. Jack, August 11, 1836 121
David G. Burnet to P. W. Grayson, September 12, 1836 122
David G. Burnet to James Collinsworth, September 12, 1836 123
P. W. Grayson to David G. Burnet, November 3, 1836 123
James Collinsworth to the President of the Republic of Texas [Sam Houston], November 13, 1836 125
Stephen F. Austin to Wm. H. Wharton, November 18, 1836 127
Stephen F. Austin to Wm. H. Wharton, November 18, 1836 135
Commission of Wm. H. Wharton as minister to the United States, November 18, 1836 140
Stephen F. Austin to Wm. H. Wharton, November 22, 1836 141
Wm. H. Wharton to Stephen F. Austin, November 22, 1836 142
Wm. H. Wharton to Stephen F. Austin, November 22, 1836 143
Stephen F. Austin to Wm. H. Wharton, November 25, 1836 143
Wm. H. Wharton to Stephen F. Austin, November 28, 1836 144
Samuel P. Carson to Sam Houston, November 28, 1836 145
Wm. H. Wharton to Stephen F. Austin, November 30, 1836 148
Wm. H. Wharton to Stephen F. Austin, December 2, 1836 148
Stephen F. Austin to Wm. H. Wharton, December 10, 1836 149
Stephen F. Austin to Wm. H. Wharton, December 10, 1836 150
Wm. H. Wharton to Stephen F. Austin, December 11, 1836 151
Stephen F. Austin to F. Catlett, December 14, 1836 154
Stephen F. Austin to Wm. H. Wharton, December 16, 1836 155
Stephen F. Austin to Wm. H. Wharton, December 19, 1836 156
Wm. H. Wharton to Stephen F. Austin, December 22, 1836 157
Wm. H. Wharton to Stephen F. Austin, December 28, 1836 158
J. Pinckney Henderson to Wm. H. Wharton, December 31, 1836 160
J. Pinckney Henderson to Memucan Hunt, December 31, 1836 161

Correspondence with the United States—Continued. Page.
J. Pinckney Henderson to John Forsyth, December 31, 1836 165
Wm. H. Wharton to Stephen F. Austin, December 31, 1836 166
Wm. H. Wharton to Stephen F. Austin, January 6, 1837 168
F. Catlett to Stephen F. Austin, January 11, 1837 172
J. Pinckney Henderson to Wharton and Hunt, January 12, 1837 174
Wm. H. Wharton to Stephen F. Austin, January 15, 1837 174
Wm. H. Wharton to John Forsyth, January 11, 1837 175
J. Pinckney Henderson to Wharton and Hunt, January 21, 1837 177
Wm. H. Wharton to Sam Houston, February 2, 1837 179
Wm. H. Wharton to Sam Houston, February 5, 1837 181
J. Pinckney Henderson to Wharton and Hunt, February 11, 1837 184
Wm. H. Wharton to Thos. J. Rusk, February 12, 1837 184
P. W. Grayson to Wharton and Hunt, February 13, 1837 186
Wm. H. Wharton to Thos. J. Rusk, February 16, 1837 187
Wm. H. Wharton to John Forsyth, January 24, 1837 192
J. Pinckney Henderson to Wharton and Hunt, February 19, 1837 194
Wharton and Hunt to Thos. J. Rusk, February 20, 1837 195
Wharton and Hunt to Andrew Jackson, February 8, 1837 196
Wharton and Hunt to M. Alphonse Pageot, February 8, 1837 198
A. Pageot to Hunt and Wharton, February 11, 1837 199
J. Pinckney Henderson to Memucan Hunt, February 28, 1837 199
J. Pinckney Henderson to Wm. H. Wharton, February 28, 1837 200
Wharton and Hunt to J. Pinckney Henderson, March 5, 1837 201
Wharton and Hunt to Andrew Jackson, March 3, 1837 201
J. Pinckney Henderson to Memucan Hunt, March 14, 1837 202
J. Pinckney Henderson to Memucan Hunt, April 2, 1837 203
F. Catlett to J. Pinckney Henderson, April 15, 1837 204
F. Catlett to John Forsyth, April 8, 1837 204
John Forsyth to F. Catlett, April 14, 1837 205
J. R. Poinsett to John Forsyth, April 14, 1837 206
Memucan Hunt to J. Pinckney Henderson, April 15, 1837 208
F. Catlett to J. Pinckney Henderson, April 29, 1837 211
F. Catlett to J. Pinckney Henderson, May 7, 1837 212
M. D. Jones to John Forsyth, March 28, 1837 212
F. Catlett to John Forsyth, May 2, 1837 213
F. Catlett to J. Pinckney Henderson, May 25, 1837 218
Memucan Hunt to J. Pinckney Henderson, May 30, 1837 221
Memucan Hunt to the President and Directors of the Mississippi and Alabama Rail Road Banking Company, May 25, 1837 224
S. W. Shelton to Memucan Hunt, May 25, 1837 225
Memucan Hunt to J. Pinckney Henderson, June 1, 1837 226
F. Catlett to J. Pinckney Henderson, June 10, 1837 226
F. Catlett to J. Pinckney Henderson, June 17, 1837 229
John Forsyth to F. Catlett, June 17, 1837 230
R. A. Irion to John T. Mason, June 22, 1837 230
R. A. Irion to Memucan Hunt, June 26, 1837 231
R. A. Irion to Memucan Hunt, June 26, 1837 232
Memucan Hunt to the Secretary of State of Texas, July 11, 1837 235
Memucan Hunt to John Forsyth, July 1, 1837 235
H. O. Dayton to Memucan Hunt, July 3, 1837 236
R. A. Irion to Memucan Hunt, July 14, 1837 241

Correspondence with the United States—Continued. Page.
John T. Mason to R. A. Irion, July 15, 1837 243
J. Pinckney Henderson to Sam Houston, July 20, 1837 243
Memucan Hunt to R. A. Irion, August 4, 1837 245
Memucan Hunt to John Forsyth, July 18, 1837 248
John Forsyth to Memucan Hunt, July 24, 1837 249
Memucan Hunt to John Forsyth, July 28, 1837 250
John Forsyth to Memucan Hunt, July 31, 1837 251
Memucan Hunt to John Forsyth, August 3, 1837 251
Memucan Hunt to John Forsyth, August 4, 1837 252
Memucan Hunt to R. A. Irion, August 10, 1837 252
R. A. Irion to Memucan Hunt, August 13, 1837 256
R. A. Irion to Memucan Hunt, August 13, 1837 258
Memucan Hunt to R. A. Irion, September 18, 1837 258
R. A. Irion to Memucan Hunt, September 20, 1837 259
P. W. Grayson to R. A. Irion, October 1, 1837 263
P. W. Grayson to Sam Houston, October 21, 1837 264
Memucan Hunt to R. A. Irion, October 21, 1837 266
Memucan Hunt to R. A. Irion, November 15, 1837 267
John T. Mason to R. A. Irion, November 27, 1837 268
Alcée La Branche to R. A. Irion, November 27, 1837 269
Alcée La Branche to R. A. Irion, November 29, 1837 270
R. A. Irion to Alcée La Branche, December 1, 1837 272
P. W. Grayson to R. A. Irion, December 7, 1837 273
R. A. Irion to Alcée La Branche, December 30, 1837 275
R. A. Irion to Memucan Hunt, December 31, 1837 277
Alcée La Branche to R. A. Irion, January 13, 1838 281
Alcée La Branche to R. A. Irion, January 15, 1838 282
R. A. Irion to Alcée La Branche, January 16, 1838 282
Alcée La Branche to R. A. Irion, January 16, 1838 283
Memucan Hunt to R. A. Irion, January 31, 1838 284
Memucan Hunt to R. A. Irion, February 3, 1838 290
R. A. Irion to Alcée La Branche, February 13, 1838 291
Report of Committee on Foreign Relations, October 3, 1837 296
Alcée La Branche to R. A. Irion, February 26, 1838 298
Memucan Hunt to R. A. Irion, March 3, 1838 310
John Forsyth to Memucan Hunt, February 21, 1838 313
Circular to collectors, etc., February 17, 1838 313
Memucan Hunt to John Forsyth, February 25, 1838 314
Memucan Hunt to John Forsyth, March 8, 1838 315
Memucan Hunt to R. A. Irion, March 9, 1838 315
Memucan Hunt to R. A. Irion, March 12, 1838 316
John Forsyth to Memucan Hunt, March 9, 1838 318
R. A. Irion to Memucan Hunt, March 21, 1838 318
R. A. Irion to Memucan Hunt, March 21, 1838 320
Alcée La Branche to R. A. Irion, March 23, 1838 321
John Birdsall to Alcée La Branche, March 26, 1838 322
Alcée La Branche to R. A. Irion, March 29, 1838 322
R. A. Irion to Alcée La Branche, March 29, 1838 323
Memucan Hunt to R. A. Irion, April 13, 1838 323
Memucan Hunt to R. A. Irion, April 28, 1838 325
R. A. Irion to Memucan Hunt, May 17, 1838 326

Correspondence with the United States—Continued. Page.
R. A. Irion to Memucan Hunt, May 18, 1838 327
R. A. Irion to Memucan Hunt, May 19, 1838 329
R. A. Irion to P. W. Grayson, June 12, 1838 330
F. Catlett to R. A. Irion, June 22, 1838 332
John Forsyth to President of United States, May 31, 1838 333
R. A. Irion to Alcée La Branche, June 23, 1838 334
Alcée La Branche to R. A. Irion, June 28, 1838 335
F. Catlett to R. A. Irion, July 7, 1838 336
Certificate of Exchange of Ratifications, July 6, 1838 336
F. Catlett to R. A. Irion, July 12, 1838 338
F. Catlett to R. A. Irion, July 29, 1838 341
R. A. Irion to Anson Jones, August 7, 1838 342
R. A. Irion to Anson Jones, September 7, 1838 344
Anson Jones to R. A. Irion, September 26, 1838 344
Anson Jones to R. A. Irion, October 13, 1838 346
Anson Jones to A. Vail, October 10, 1838 347
A. Vail to Anson Jones, October 11, 1838 348
Alcée La Branche to R. A. Irion, November 16, 1838 349
Anson Jones to R. A. Irion, November 16, 1838 350
R. A. Irion to Anson Jones, November 29, 1838 350
Alcée La Branche to R. A. Irion, December 5, 1838 355
R. A. Irion to Alcée La Branche, December 8, 1838 355
Alcée La Branche to Barnard E. Bee, January 15, 1839 356
Anson Jones to Barnard E. Bee, January 21, 1839 357
Anson Jones to John Forsyth, November 26, 1838 359
Barnard E. Bee to Alcée La Branche, January 29, 1839 360
Alcée La Branche to Barnard E. Bee, January 29, 1839 361
Barnard E. Bee to Anson Jones, January 31, 1839 362
M. Austin Bryan to Barnard E. Bee, February 3, 1839 362
Anson Jones to Barnard E. Bee, March 11, 1839 364
Alcée La Branche to James Webb, March 13, 1839 365
James Webb to Alcée La Branche, March 14, 1839 366
James Webb to Alcée La Branche, March 15, 1839 367
James Webb to Richard G. Dunlap, March 16, 1839 367
James Webb to Richard G. Dunlap, March 13, 1839 368
James Webb to Richard G. Dunlap, March 14, 1839 372
James Webb to Richard G. Dunlap, March 14, 1839 376
Anson Jones to James Webb, March 19, 1839 378
James Webb to Alcée La Branche, March 27, 1839 379
Alcée La Branche to James Webb, March 28, 1839 380
Isaac N. Jones to Mirabeau B. Lamar, May 9, 1839 381
Alcée La Branche to James Webb, May 13, 1839 383
Richard G. Dunlap to Mirabeau B. Lamar, May 16, 1839 383
Richard G. Dunlap to James Webb, May 17, 1839 385
Richard G. Dunlap to James Webb, May 19, 1839 387
Richard G. Dunlap to Barnard E. Bee, May 17, 1839 388
Richard G. Dunlap to James Webb, May 29, 1839 390
Richard G. Dunlap to Amos Kendall, May 20, 1839 390
Amos Kendall to Richard G. Dunlap, May 25, 1839 391
Richard G. Dunlap to Amos Kendall, May 27, 1839 393
Amos Kendall to Richard G. Dunlap, May 29, 1839 394

Page.
Correspondence with the United States—Continued.
Richard G. Dunlap to J. Pinckney Henderson, May 24, 1839 394
David G. Burnet to Richard G. Dunlap, May 30, 1839 396
Schedule of documents referred to in foregoing 400
Richard G. Dunlap to Mirabeau B. Lamar, June 2, 1839 401
Alcée La Branche to David G. Burnet, June 18, 1839 403
Receipt, Edward West to Dean and Campbell, November 20, 1838 404
Richard G. Dunlap to Mirabeau B. Lamar, June 22, 1839 404
Alcée La Branche to David G. Burnet, June 28, 1839 406
Richard G. Dunlap to David G. Burnet, June 28, 1839 406
Richard G. Dunlap to John Forsyth, June 26, 1839 408
Alcée La Branche to David G. Burnet, June 28, 1839 409
Receipt, Alcée La Branche to James Webb, July 6, 1839 409
Richard G. Dunlap to Mirabeau B. Lamar, July 21, 1839 410
Samuel A. Roberts to David G. Burnet, August 2, 1839 414
Richard G. Dunlap to David G. Burnet, August 12, 1839 414
Richard G. Dunlap to David G. Burnet, August 26, 1839 415
Richard G. Dunlap to David G. Burnet, October 12, 1839 418
Richard G. Dunlap to F. Pizarro Martinez, October 8, 1839 421
F. Pizarro Martínez to Richard G. Dunlap, October 9, 1839 423
Richard G. Dunlap to F. Pizarro Martínez, October 9, 1839 424
Deposition and petition of Joseph Shepard, November 4, 1839 425
Alcée La Branche to David G. Burnet, November 28, 1839 426
Alcée La Branche to David G. Burnet, December 2, 1839 427
J. Pinckney Henderson to David G. Burnet, December 6, 1839 427
Alcée La Branche to David G. Burnet, December 10, 1839 429
Alcée La Branche to David G. Burnet, December 17, 1839 431
Alcée La Branche to David G. Burnet, December 19, 1839 432
Joseph Shepard to Alcée La Branche, December 6, 1839 433
Richard G. Dunlap to David G. Burnet, January 12, 1840 435
Richard G. Dunlap to David G. Burnet, January 27, 1840 436
Deposition of Charles S. Hunter, December 30, 1839 436
John Forsyth to Richard G. Dunlap, January 15, 1840 437
Richard G. Dunlap to John Forsyth, January 16, 1840 438
Richard G. Dunlap to David G. Burnet, February 5, 1840 439
Richard G. Dunlap to John Forsyth, January 27, 1840 439
John Forsyth to Richard G. Dunlap, February 3, 1840 440
Richard G. Dunlap to John Forsyth, February 4, 1840 441
Alcée La Branche to David G. Burnet, February 7, 1840 442
Richard G. Dunlap to David G. Burnet, February 24, 1840 442
Alcée La Branche to A. S. Lipscomb, March 12, 1840 443
Joseph Shepard to Alcée La Branche, February 13, 1840 444
Richard G. Dunlap to Abner S. Lipscomb, March 27, 1840 444
Richard G. Dunlap to Joel R. Poinsett, April 16, 1840 446
Barnard E. Bee to Abner S. Lipscomb, April 21, 1840 447
M. Arbuckle to Mirabeau B. Lamar, April 28, 1840 448
Barnard E. Bee to Abner S. Lipscomb, May 1, 1840 449
Barnard E. Bee to John Forsyth, April 5, 1840 451
Nathaniel Amory to Abner S. Lipscomb, May 8, 1840 452
John Forsyth to Barnard E. Bee, May 4, 1840 453
Nathaniel Amory to Abner S. Lipscomb, May 8, 1840 453
Nathaniel Amory to Abner S. Lipscomb, May 23, 1840 454

Correspondence with the United States—Continued. Page.
Branch T. Archer to M. Arbuckle, June 11, 1840 455
Nathaniel Amory to Abner S. Lipscomb, August 21, 1840 456
Nathaniel Amory to Abner S. Lipscomb, August 25, 1840 459
Barnard E. Bee to Abner S. Lipscomb, September 30, 1840 461
David G. Burnet to R. G. Dunlap, January 10, 1840 463
Abner S. Lipscomb to Barnard E. Bee, March 31, 1840 463
Extract Abner S. Lipscomb to Barnard E. Bee, August 8, 1840 464
Joseph Waples to Barnard E. Bee, September 30, 1840 465
George H. Flood to Abner S. Lipscomb, October 30, 1840 465
Nathaniel Amory to Abner S. Lipscomb, November 12, 1840 466
Nathaniel Amory to Abner S. Lipscomb, November 21, 1840 467
Nathaniel Amory to Abner S. Lipscomb, November 27, 1840 468
Geo. H. Flood to Abner S. Lipscomb, December 12, 1840 469
Peter K. Wagner to Geo. H. Flood, December 8, 1840 470
Barnard E. Bee to Abner S. Lipscomb, December 16, 1840 471
Barnard E. Bee to John Forsyth, December 14, 1840 473
Wm. N. Porter to David G. Burnet, January 2, 1841 474
Barnard E. Bee to Abner S. Lipscomb, January 12, 1841 475
Geo. H. Flood to Joseph Waples, January 26, 1841 476
Barnard E. Bee to Abner S. Lipscomb, January 26, 1841 476
Geo. H. Flood to Joseph Waples, February 2, 1841 477
Geo. H. Flood to Joseph Waples, February, 1841 477
Geo. H. Flood to David G. Burnet, February 12, 1841 478
True bill against William McQueen, November 24, 1840 479
Geo. H. Flood to David G. Burnet, February 14, 1841 480
Nathaniel Amory to the Secretary of State [Mayfield], March 7, 1841 481
Barnard E. Bee to the Chevalier d'Argaiz, February 27, 1841 482
A. Argaiz to Barnard E. Bee, March 3, 1841 483
Barnard E. Bee to Secretary of State [Mayfield], April 12, 1841 484
Barnard E. Bee to Daniel Webster, April 12, 1841 484
Nathaniel Amory to James S. Mayfield, April 14, 1841 486
Nathaniel Amory to James S. Mayfield, April 19, 1841 487
Daniel Webster to Barnard E. Bee, April 13, 1841 487
Daniel Webster to Barnard E. Bee, April 15, 1841 488
Nathaniel Amory to James S. Mayfield, April 23, 1841 489
Nathaniel Amory to James S. Mayfield, April 30, 1841 493
Nathaniel Amory to James S. Mayfield, May 20, 1841 494
Nathaniel Amory to Daniel Webster, May 19, 1841 496
Nathaniel Amory to James S. Mayfield, May 31, 1841 497
Nathaniel Amory to James S. Mayfield, June 12, 1841 498
Barnard E. Bee to Samuel A. Roberts, July 13, 1841 499
A. Fowler to Daniel Webster, June 11, 1841 501
Daniel Webster to Barnard E. Bee, July 3, 1841 502
Barnard E. Bee to Daniel Webster, July 9, 1841 503
Arthur Henrie to Nathaniel Amory, June 12, 1841 503
Daniel Webster to Barnard E. Bee, July 15, 1841 504
Joseph Eve to the Secretary of State of Texas, July 31, 1841 504
C. Roselius to E. D. White, May 15, 1841 505
E. D. White to Secretary of State [Roberts], undated 506
Barnard E. Bee to Secretary of State Roberts, July 31, 1841 506
Barnard E. Bee to Daniel Webster, July 27, 1841 511

Correspondence with the United States—Continued. Page.
Barnard E. Bee to Secretary of State [Samuel A. Roberts], August 5, 1841 513
Joseph Eve to Samuel A. Roberts, August 30, 1841 513
Nathaniel Amory to Samuel A. Roberts, October 12, 1841 515
Memorandum for a treaty, September 15, 1841 516
Barnard E. Bee to John H. Brower, September 22, 1841 518
John H. Brower to Barnard E. Bee, October 2, 1841 519
Nathaniel Amory to John H. Brower, undated 519
Nathaniel Amory to Anson Jones, January 4, 1842 520
Nathaniel Amory to Anson Jones, January 8, 1842 523
Nathaniel Amory to Daniel Webster, January 8, 1842 524
John H. Brower to Texas legation, January 5, 1842 525
Nathaniel Amory to John H. Brower, January 8, 1842 525
Nathaniel Amory to Anson Jones, January 15, 1842 527
John H. Brower to Nathaniel Amory, January 11, 1842 528
John H. Brower to Hoffman and Curtis, January 11, 1842 529
Nathaniel Amory to John H. Brower, January 12, 1842 529
John H. Brower to Nathaniel Amory, January 13, 1842 530
John H. Brower to Nathaniel Amory, January 14, 1842 530
Daniel Webster to Nathaniel Amory, January 19, 1842 532
Edward Curtis to Daniel Webster, January 12, 1842 532
Nathaniel Amory to Anson Jones, January 20, 1842 533
Anson Jones to James Reily, January 26, 1842 534
Barnard E. Bee to Anson Jones, January 27, 1842 534
James Reily to Anson Jones, February 2, 1842 536
Joseph Eve to Anson Jones, February 27, 1842 537
Anson Jones to Joseph Eve, March 5, 1842 538
James Reily to Anson Jones, March 11, 1842 540
Barnard E. Bee to Daniel Webster, January 21, 1842 542
Nathaniel Amory to Daniel Webster, February 28, 1842 542
Daniel Webster to Nathaniel Amory, March 1, 1842 543
Daniel Webster to Nathaniel Amory, March 7, 1842 543
W. Forward to Daniel Webster, March 2, 1842 543
James Reily to Daniel Webster, March 9, 1842 544
Daniel Webster to James Reily, March 9, 1842 544
W. H. Washington to Nathaniel Amory, February 21, 1842 545
James Reily to Anson Jones, March 25, 1842 545
James Reily to Anson Jones, March 29, 1842 547
James Reily to Daniel Webster [March 28, 1842] 548
James Reily to Anson Jones, April 7, 1842 550
Daniel Webster to James Reily, April 7, 1842 550
James Reily to Anson Jones, April 14, 1842 551
W. S. Underhill (for Wm. McKinley) to Anson Jones, April 27, 1842) 554
Wm. McKinley to Daniel Webster, April 9, 1842 555
James Reily to Anson Jones, April 28, 1842 556
James Reily to Daniel Webster, April 21, 1842 556
Daniel Webster to James Reily, April 25, 1842 556
Joseph Waples to James Reily, May 12, 1842 559
James Reily to C. A. Wickliffe, May 4, 1842 559
C. A. Wickliffe to James Reily, May 18, 1842 560
James Reily to Anson Jones, May 21, 1842 561

Correspondence with the United States—Continued. Page.
Anson Jones to James Reily, June 7, 1842 562
James Reily to Anson Jones, June 24, 1842 563
James Reily to Anson Jones, June (July) 11, 1842 567
Joseph Waples to Joseph Eve, July 22, 1842 569
Joseph Waples to Isaac Van Zandt, July 26, 1842 571
Joseph Eve to Joseph Waples, July 27, 1842 572
Joseph Waples to Joseph Eve, July 30, 1842 574
Joseph Waples to Sam Houston, July 31, 1842 575
James Reily to Anson Jones, August 3, 1842 576
Joseph Eve to Joseph Waples, August 12, 1842 581
Joseph Eve to Joseph Waples, August 16, 1842 582
Protest of Thomas Means, June 18, 1842 584
Order of Sam Houston to J. D. Boylan, June 17, 1842 585
R. A. Barton's affidavit, June 20, 1842 585
E. A. Rhodes's certificate, June 21, 1842 586
Consul's order of survey, July 22, 1842 586
James and Delesdernier's affidavit and report of survey, July 26, 1842 586
Consul's certificate, July 26, 1842 587
Captain Appleman's affidavit, August 4, 1842 587
Barton and McNitt's affidavit, August 8, 1842 588
Account of R. Barton, August 10, 1842 589
D. McNitt's account, August 10, 1842 589
Timothy Treadswell's account, August 10, 1842 589
Captain Means's account, July 24, 1842 589
John Appleman's certificate, July 24, 1842 589
A. A. M. Jackson certificate, July 27, 1842 589
J. D. Boylan certificate, July 26, 1842 589
James Reily to Anson Jones, August 18, 1842 590
James Reily to John C. Spencer, August 16, 1842 590
John C. Spencer to James Reily, August 17, 1842 591
James C. Reily to John C. Spencer, August 18, 1842 593
G. W. Terrell to Isaac Van Zandt, August 19, 1842 596
G. W. Terrell to Joseph Eve, August 24, 1842 598
G. W. Terrell to Isaac Van Zandt, August 28, 1842 601
Joseph Eve to G. W. Terrell, August 28, 1842 603
Joseph Eve to Joseph Waples, September 10, 1842 605
Memorandum of conference, Houston, Eve, and Elliot, September 10, 1842 606
Joseph Waples to Joseph Eve, September 14, 1842 608
Joseph Waples to Isaac Van Zandt, October 20, 1842 609
Joseph Eve to Joseph Waples, November 1, 1842 611
Isaac Van Zandt to G. W. Terrell, December 7, 1842 613
Isaac Van Zandt to Daniel Webster, December 6, 1842 613
Ashbel Smith to Isaac Van Zandt, October 21, 1842 616
Joseph Eve to Anson Jones, December 10, 1842 619
James Reily to Joseph Waples, December 12, 1842 619
Treaty of amity, etc., between the Republic of Texas and the United States, July 30, 1842 622
Anson Jones to Isaac Van Zandt, December 23, 1842 629
Isaac Van Zandt to G. W. Terrell, December 23, 1842 630
Anson Jones to Joseph Eve, December 24, 1842 635

Correspondence with the United States—Continued. Page.
Anson Jones to Isaac Van Zandt, December 25, 1842 636
Extract, C. Elliot to Sam Houston, December 27, 1842 637
James Hamilton to Sam Houston, November 6, 1842 638
James Hamilton to Sam Houston, November 25, 1842 639
Anson Jones to Isaac Van Zandt, December 26, 1842 640
Isaac Van Zandt to G. W. Terrell, December 27, 1842 641
Anson Jones to Isaac Van Zandt, December 28, 1842 642
Message to the Senate of Texas, Sam Houston, December 19, 1842 643
Joseph Eve to Anson Jones, December 30, 1842 644
Anson Jones to Isaac Van Zandt, December 30, 1842 646

INTRODUCTION.

Except for the years in which the United States has been actually at war, there is no decade of our history more abundantly filled with intense and instructive national experiences than that during which Texas was an independent republic. Then it was that the incompatible relations between slavery and nationality for the Union became clearly manifest; and then that sectionalizing tendencies began to weaken the impulse of expansion and develop that irreconcilable antagonism between North and South which culminated at length in civil strife. It is but natural that such a period should have become the subject of a large mass of partisan literature, and that it should have been greatly and persistently misunderstood and misrepresented. In dealing with it, therefore, the historian will place special emphasis on the sources and will welcome any really valuable addition to the available list. The editor hopes that such an addition will be found in this volume.

The efforts of Texas to establish diplomatic relations with the United States began with the appointment by the Consultation, on November 12, 1835, of three commissioners to that country. These were Stephen F. Austin, Branch T. Archer, and William H. Wharton, who received their instructions from Governor Henry Smith, in pursuance of a decree of the Council of the Provisional Government passed and approved on December 5. According to these instructions, which were dated December 8, the work of the commissioners on behalf of Texas in the United States was to include the stimulation of public sentiment and the procuring of such private aid for the revolutionists in supplies and money as they could. They were also to sound the Government as to its attitude toward Texas, its opinion of the proper course for the Texans, and the possibility of annexation or of recognition.

The commissioners entered upon their task at New Orleans early in the year 1836. Thence they proceeded by way of Nashville and Louisville to Washington, where they arrived before the end of March. For lack of proper credentials and official information from Texas they were unable to accomplish anything toward the establishment of diplomatic relations with the Government, and a few weeks later they were superseded.

Meanwhile the convention had met at Washington, on the Brazos, had declared Texas independent, had adopted a constitution with a provision for a government ad interim to last until the regular election, to be held in September, and had chosen David G. Burnet president.

The commissioners to the United States had appointed several agents, some local, and others with special functions of varying character. The Provisional Government sent out other special agents; and the Government ad interim, immediately after its organization, added still others. On March 19 President Burnet commissioned George C. Childress and Robert Hamilton to act in conjunction with the three commissioners already in the United States; and on April 1 he gave a similar commission to Samuel P. Carson, who had just been forced by ill health to retire from the secretaryship of state in Burnet's cabinet. The three new commissioners or agents went to the United States and remained there for a time in their official capacity; but on May 26, Burnet appointed James Collinsworth and P. W. Grayson to supersede all the other commissioners, and on June 10 he issued a proclamation revoking the authority of all claiming to be agents of the yet unrecognized republic except the firm of Thomas Toby and Brother, of New Orleans.[a] Collinsworth and Grayson reached Washington on July 8. The former remained there till August 4, and the latter till October 11.

In September the elections were held in Texas and the Government regularly organized, with Sam Houston as president and Stephen F. Austin as secretary of state. William H. Wharton was appointed chargé to Washington. From the time of his arrival there in December, 1836, the Texan legation was maintained continuously until its existence was ended by annexation. Of course no commissioner nor chargé of Texas was formally received till recognition came in March, 1837; but meanwhile they were all allowed free informal communication with the United States authorities.

It is to be regretted that the presentation of the correspondence printed in this volume could not be made complete. The only materials that have been used therefor are those which could be found in the archives of Texas. They consist mainly of the despatches that passed between the Texan Government and its commissioners and chargés d'affaires at Washington and of the notes exchanged by that Government and the United States chargés in Texas. The more important notes belonging to the correspondence between the Texan chargés and the Department of State at Washington are also included, but the correspondence of the United States Government with its chargés in Texas of course is not. This can be had only

[a] This proclamation of course did not affect the two recently appointed commissioners.

from the archives at Washington, which the editor has not yet been able to examine.

Most of the letters here published have been taken from a manuscript collection entitled "Diplomatic, Consular, and Domestic Correspondence of the Republic of Texas," in the State Library.[a] A few were copied from the Austin Papers, belonging to the University of Texas, and some from the Records of the Department of State. The problem of selection has not been altogether easy. Besides the fact that the limit set on the amount of matter that could be published made it necessary to exclude some letters, it has been sometimes rather difficult to draw the line between the diplomatic correspondence and the domestic. This is especially true of the period from the first appointment of commissioners by the Texan Government up to the declaration of independence by the convention, March 2, 1836. During that time Texas had a government which was but imperfectly organized, and which had several agents in the United States with their powers and functions not clearly defined. From the strictly technical standpoint, perhaps the whole correspondence of that period might have been excluded; but some of it is of special historical value for the light it casts on the motives and purposes of the Texan revolutionists, and its omission would not have accorded with the raison d'être of this publication. Copies of private and unofficial letters that accompanied the official correspondence as inclosures have usually been printed; but in a few cases where such copies are filed separately with nothing to show how they came into the archives they have been omitted. Many published letters, however, of this type have been calendared. Of the voluminous correspondence between Commodore Moore, of the Texan navy, and the United States civil and naval authorities in New York, concerning his enlistment of men in that city in the winter of 1839–40, only enough has been given to illustrate the controversy. Matter relative to salaries, the expenses of the legation in Washington, and the like, letters of credence and recall, requests for interviews, and similar communications have in most cases been omitted. But to the last rule there is one exception: Because of the grave difficulties that resulted from the failure of the Texan Government properly to accredit its early agents and commissioners to the United States, such credentials as they had during the period previous to recognition have usually been given.

The diplomatic correspondence proper, as distinguished from the domestic and consular, is found in the Texan archives in two forms. The first of these is the file of originals received with their copied inclosures, and of copies of communications sent by the Government

[a] All letters not credited to other collections may be assumed to belong to this.

to its chargés and others. It contains scarcely any copies of the inclosures that were sent with the letters from the Government. This file has lately been separated from the general mass of "Diplomatic, Consular, and Domestic Correspondence," etc. The other form in which the correspondence exists is that of a series of copies in the Records of the Department of State.[a] The file is now incomplete, there being two great gaps in the series of despatches from Washington. The first includes Nos. 45–56, and the second Nos. 60–74. How the despatches bearing these numbers disappeared from their proper place can now only be conjectured. By the use, however, of the Records in the Department of State, it has been possible to fill the gaps, and to give the whole series except Nos. 12 and 13, which appear to have been lost in transmission and never to have been repeated.

The books of the legation at Washington seem to have been brought to Texas, but only one of them is now in the archives of the State. This contains copies of the correspondence of the legation from August 16, 1844, to November 8, 1845, and from it have been obtained one or two letters not to be found elsewhere. An inscription in the volume indicates that it was taken from the convicts in the state penitentiary at Huntsville in the year 1868 by one of the officials of that institution and was given by him in 1887 to the then existing "Texas Historical Society." He states that he found a box of books in possession of the convicts and that he rescued this one. The statement does not show what the other books were, nor what became of them; nor is there anything in it to assist an inference as to how the lot happened to be in Huntsville.

The arrangement adopted for the letters in printing is in order of dates without division into separate series; but copies inclosed or transcribed are printed along with the dispatches or notes with which they were transmitted. For the sake, however, of convenient reference, the title of each inclosure is given in its chronological place, with a note indicating where it is to be found.

My special acknowledgments are due to Mr. E. W. Winkler, state librarian of Texas, for generous and invaluable assistance in verifying the text of the letters and in preparing the calendar.

GEORGE P. GARRISON,
University of Texas.

[a] Most of it is in Books 41–45.

1. Secretaries of State of the Republic of Texas.

President.	Secretary.	Date of appointment.	Confirmed.	Remarks.
Burnet, D. G.	Carson, S. P.			
(Mar. 16–Oct. 22, 1836.)	Collinsworth, J.			Resigned May 26, 1836.
	Jack, W. H.	May 26, 1836		Resigned Aug. 9, 1836.
Houston, Sam	Austin, S. F.		Oct. 28, 1836	Died Dec. 27, 1836.
(First term Oct. 22, 1836–Dec. 10, 1838.)	Rusk, T. J.	Dec. 31, 1836		Declined.
	Henderson, J. P.			
	Irion, R. A.		Nov. 14, 1837	
Lamar, M. B.	Bee, B. E.	Dec. 16, 1838		
(Dec. 10, 1838–Dec. 13, 1841.)	Webb, James	Feb. 6, 1839		
	Burnet, D. G. (acting).	May 30, 1839		
	Webb, James (acting)	June 28, 1839		
	Amory, N. (acting)	July 23, 1839		
	Burnet, D. G. (acting).	Aug. 5, 1839		
	Lipscomb, A. S.	Jan. 31, 1840		Resigned Jan. 22, 1841.
	Waples, Jos. (acting).	May 25, 1840		To act till further orders.
	do	Jan. 23, 1841		Served until Feb. 8, 1841.
	Terrell, Geo. W.	Jan. 30, 1841		Declined.
	Mayfield, Jas. S	Feb. 8, 1841		
	Waples, Jos. (acting).	Apr. 30, 1841		Served till May 25.
	Roberts, Saml. A. (acting).	May 25, 1841		
	Roberts Saml. A.	Sept. 7, 1841		
Houston, Sam	Jones, Anson	Dec. 13, 1841	Dec. 24, 1841	
(Second term Dec. 13, 1841–Dec. 9, 1844.)	Waples, Jos. (acting).	Feb. 5, 1842		Filled Jones' place latter part 1842.
	Terrell, Geo. W. (acting).	Aug. 20, 1842		For a time when Jones was ill in summer, 1842.
Jones, Anson	Allen, Ebenezer	Dec. 9, 1844		Secretary *ad interim*.
Dec. 9, 1844–Feb. 19, 1846.)	Smith, Ashbel	Feb. 5, 1845		
	Allen, Ebenezer (acting).	Mar. 31, 1845		
	Allen, Ebenezer			

2. Ministers of the Republic of Texas to the United States.

Minister.	Appointment.	Appointment confirmed.	Commissioned.	Remarks.
Wharton, W. H.		Nov. 16, 1836	Nov. 18, 1836	Recalled Feb. 28, 1837.
Hunt, Memucan[a]			Dec. 31, 1836 (minister extraordinary).	Resignation accepted June 12, 1838.
			May 12, 1837 (resident minister).	
Catlett, Fairfax (act'g chargé[b]).				
Mason, John T[c]	June 22, 1837			
Grayson, P. W.	Aug. 13, 1837[d] (minister extraordinary).			
	June 12, 1838[e] (resident minister).			
Jones, Anson				Recalled Mar. 14, 1839.[f]
Dunlap, R. G.	Mar. 13, 1839		Mar. 13, 1839	Rejected by Congress Nov. 25, 1839.[g]
Bee, B. E.	Feb. 1, 1840	Feb. 1, 1840	Feb. 1, 1840	Recalled Dec. 27, 1841.
Reily, James	Dec. 27, 1841	Dec. 27, 1841	Dec. 29, 1841	Recalled Aug. 1, 1842.
Van Zandt, Isaac	July 20, 1842	July 22, 1842	July 26, 1842	Resignation accepted July 13, 1844.[h]
Raymond, Chas. H.[i] (acting chargé).				
Reily, James				Rejected Jan. 24, 1845.
Kaufman, David S.[j]			June 30, 1845	
Lee, William D. (act'g chargé[k]).	Aug. 2, 1845			Recalled Oct. 15, 1845.

[a] Commissioned as minister extraordinary to act in conjunction with Wharton, and on February 28, 1837, he was instructed to remain at Washington as resident minister after the departure of Wharton.

[b] From March 13 to June 26, 1837; also from April 20 to August 23, 1838, during absence of Hunt.

[c] Authorized to act in conjunction with Hunt to procure annexation.

[d] Authorized to confer with Hunt relative to annexation.

[e] Appointed as resident minister, but did not enter on the duties of the office.

[f] Left the legation May 15, 1839.

[g] Recalled January 28, 1840. Remained at Washington as minister until April 20, 1840,

[h] Remained in Washington as chargé till September 11, 1844.

[i] Served until May 17, 1845.

[j] Left Washington November 3, 1845; he was not received by the U. S. Government.

[k] Before arrival of Kaufman, and after his departure. Not received by the U. S. Government.

TEXAN DIPLOMATIC CORRESPONDENCE WITH THE UNITED STATES.

CALENDAR OF CORRESPONDENCE HITHERTO PRINTED.

[For the sake of convenience the United States public documents cited in this calendar are referred to by their serial numbers. The ordinary designations of the volumes to which the serial numbers used in the calendar correspond are shown by the following list:

House Docs., 24th Cong., 1st sess., VI, is serial No. 291.
Senate Docs., 24th Cong., 2d sess., I, is serial No. 297.
House Docs., 25th Cong., 1st sess., I, is serial No. 311.
House Docs., 25th Cong., 3d sess., I, is serial No. 344.
House Docs., 25th Cong., 3d sess., III, is serial No. 346.
House Docs., 27th Cong., 2d sess., III, is serial No. 403.
House Docs., 27th Cong., 2d sess., V, is serial No. 405.
House Docs., 27th Cong., 3d sess., IV, is serial No. 421.
Senate Docs., 28th Cong., 1st sess., V, is serial No. 435.
Senate Docs., 28th Cong., 1st sess., VI, is serial No. 436.
House Docs., 28th Cong., 1st sess., VI, is serial No. 444.
Senate Docs., 28th Cong., 2d sess., I, is serial No. 449.
House Docs., 28th Cong., 2d sess., I, is serial No. 463.
House Docs., 29th Cong., 1st sess., I, is serial No. 480.
House Docs., 29th Cong., 1st sess., III, is serial No. 482.
Senate Exec. Docs., 32d Cong., 2d sess., III, is serial No. 660.]

Dickins to Castillo, October 12, 1835. Transmits certain documents. U. S. Pub. Docs., 660, Doc. 14, p. 4.

Castillo to Dickins, October 14, 1835. Receipt of documents in Dickins's note of the 12th. Emigration of the Creek Indians to Mexican territory. U. S. Pub. Docs., 291, Doc. 256, p. 6; ibid., 660, Doc. 14, p. 4; Telegraph and Texas Register for August 16, 1836.

Forsyth to Castillo y Lanzas, October 22, 1835. Encroachments of Creek Indians from the United States. U. S. Pub. Docs., 291, Doc. 256, p. 28; ibid., 660, Doc. 14, p. 10; Telegraph and Texas Register for August 16, 1836.

Secret treaty with Santa Anna, May 14, 1836. Santa Anna not to take further part in the war. Evacuation of Texas by Mexican troops. Mission to Mexico. Treaty of amity, commerce, and limits. Santa to be sent to Vera Cruz. House Journal, 1st Tex. Cong., 1st sess., p. 25; copy inclosed with Webb to Dunlap, March 16, 1839.

Morfit to Forsyth, August 13, 1836. Texan Government. Army and navy. Emigrants. Mexican prisoners. U. S. Pub. Docs., 297, Doc. 20, p. 5.

Morfit to Forsyth, August 22, 1836. Sketch of Texan revolution. Constitution of the republic. Ad interim government. Election ordered. U. S. Pub. Docs., 297, Doc. 20, pp. 6–11.

Morfit to Forsyth, August 23, 1836. Garrisons at Galveston and Anahuac. Course to be pursued toward Santa Anna. U. S. Pub. Docs., 297, Doc. 20, p. 11.

Morfit to Forsyth, August 27, 1836. Boundaries of Texas. Population. U. S. Pub. Docs., 297, Doc. 20, pp. 12–15.

Morfit to Forsyth, September 4, 1836. Boundary of Texas. Proposed Matamoros expedition. Financial condition and resources of Texas. U. S. Pub. Docs., 297, Doc. 20, pp. 16–18.

Morfit to Forsyth, September 6, 1836. Proposed domestic loan to Texan Government. Election. U. S. Pub. Docs., 297, Doc. 20, p. 18.

Morfit to Forsyth, September 9, 1836. Texan army and supplies. Fortifications. Navy. Victories of Texans and Americans over Mexicans. Ability of Texas to maintain her independence. U. S. Pub. Docs., 297, Doc. 20, pp. 19-25.

Morfit to Forsyth, September 10, 1836. Texan negotiations with United States only. Santa Anna. Conditions in Mexico. U. S. Pub. Docs., 297, Doc. 20, p. 25.

Morfit to Forsyth, September 12, 1836. Desire of Texans for annexation. Terms suggested. Land holding. U. S. Pub. Docs., 297, Doc. 20, pp. 26–29.

Morfit to Forsyth, September 14, 1836. Corrected sketch of the Texan revolution. Products of Texas. Tonnage. Administration. Land. Slave trade. Foreign interference. Misgovernment of Mexico. Uncertainty that Texas will maintain her independence fully. Moral forces working in her favor. U. S. Pub. Docs., 297, Doc. 20, pp. 29–36.

Huston to Secretary of War [Johnston], December 13, 1836 (extract). Treviño's statement as to prospective Indian invasion. U. S. Pub. Docs., 660, Doc. 14, p. 37; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Huston to Secretary of War [Johnston], December 31, 1836 (extract). Statement of Recindio concerning the treaty between Mexicans and Indians. U. S. Pub. Docs., 660, Doc. 14, p. 37; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Wharton and Hunt to Forsyth, March 14, 1837. Depredations of the United States Indians in Texas. Desirability of sending United States troops to Nacogdoches. U. S. Pub. Docs., 660, Doc. 14, p. 5.

Forsyth to Wharton and Hunt, March 21, 1837. United States troops better posted to keep the Indians in check than if they were at Nacogdoches. U. S. Pub. Docs., 660, Doc. 14, p. 5.

Hunt to Forsyth, July 18, 1837 (extract). Depredations of United States Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 6.

Forsyth to Hunt, July 24, 1837. Alleged depredations of United States Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 6.

Poinsett to Forsyth, July 26, 1837. Alleged depredations of United States Indians in Texas. Charge of improper use of license against Coffee. U. S. Pub. Docs., 660, Doc. 14, p. 7.

Forsyth to Hunt, July 29, 1837. More specific information concerning alleged Indian depredations needed. U. S. Pub. Docs., 660, Doc. 14, p. 7.

Hunt to Forsyth, August 4, 1837. Offering annexation. U. S. Pub. Docs., 311, Doc. 40, pp. 2–11; ibid., 435, Doc. 341, pp. 103–112; Telegraph and Texas Register for December 6, 1837.

Poinsett to Forsyth, August 4, 1837. Alleged depredations by United States Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 8.[a]

Forsyth to Hunt, August 5, 1837. Transmitting abstract of answers to inquiries at the War Department concerning alleged depredations of United States Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 8; copy transcribed in Hunt to Irion, August 4, 1837.

[a] See Forsyth to Hunt, August 5, 1837.

Forsyth to Hunt, August 25, 1837. Declining the offer of annexation. U. S. Pub. Docs., 311, Doc. 40, pp. 11–13; ibid., 435, Doc. 341, pp. 112–114; Telegraph and Texas Register for December 6, 1837.

Hunt to Forsyth, September 12, 1837. Annexation. U. S. Pub. Docs., 311, Doc. 40, pp. 14–18; ibid., 435, Doc. 341, pp. 115–119; Telegraph and Texas Register for December 6, 1837.

Message of Houston to Texas Congress, September 25, 1837. Difficulty of executing land law passed to take effect October 1, 1837, because of conflict of jurisdiction with United States. Hopes boundary question will claim attention of present session of United States Congress. See House Journal, Tex. Cong., called session, beginning September 25, 1837, and regular session, beginning November 6, 1837, pp. 15–17. Copy inclosed with Irion to La Branche, February 13, 1838.

Treaty of Limits between United States and Texas, April 25, 1838. U. S. Pub. Docs., 344, Doc. 2, p. 32; U. S. Treaties and Conventions, 1079.

Córdova to Flores, July 19, 1838. Understanding as to Indian operations. U. S. Pub. Docs., 660, Doc. 14, p. 36; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Jones to Vail, October 12, 1838. Offer of annexation withdrawn. U. S. Pub. Docs., 344, Doc. 2, p. 33.

Vail to Jones, October 13, 1838. Letter withdrawing offer of annexation received. U. S. Pub. Docs., 344, Doc. 2, p. 33.

La Branche to Forsyth, November 10, 1838. Alleged depredations of United States Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 9.

Forsyth to Jones, December 2, 1838.[a] Indian relations. U. S. Pub. Docs., 660, Doc. 14, p. 9.

Coffee to Huston, December 17, 1838. Invitation from Bowl to United States Indians to join in attacking Texans. U. S. Pub. Docs., 660, Doc. 14, p. 37; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Raines to Huston, December 18, 1838. Invitation to Cherokees of Arkansas to attack Texans. U. S. Pub. Docs., 660, Doc. 14, p. 38; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Butler to Huston, December 21, 1838. Treaty between Mexicans and Indians. U. S. Pub. Docs., 660, Doc. 14, pp. 38–40; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Douglas to Wharton, December 23, 1838. Treaty between Mexicans and Indians. U. S. Pub. Docs., 660, Doc. 14, p. 40; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Huston to Secretary of War [Johnston], December 24, 1838. Transmitting correspondence as to treaty between Cherokees and Mexico. U. S. Pub. Docs., 660, Doc. 14, p. 41; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Jones to Forsyth, December 31, 1838. Indian relations. Journal of Miracle. U. S. Pub. Docs., 660, Doc. 14, pp. 11–17; copy inclosed with Jones to Bee, January 21, 1839.

Forsyth to La Branche, January 8, 1839. Violation of United States territory by Texan troops under Rusk. U. S. Pub. Docs., 660, Doc. 14, p. 17.

La Branche to Forsyth, January 29, 1839 (extract).[b] Reported violation of United States territory by Texan troops under Rusk. Incloses extract from Natchitoches Herald, December 16, 1838,[c] and apparently a copy of Bee to La Branche, January 29, 1839. U. S. Pub. Docs., 660, Doc. 14, p. 18.

[a] The date of the original in the Texan archives is December 3.

[b] With the correspondence initiated by this letter, compare that in U. S. Pub. Docs., 346, Doc. 71.

[c] See U. S. Pub. Docs., 660, Doc. 14, p. 19; also, ibid., 346, Doc. 71, p. 3, where the date of the extract is given as December 6.

Bee to La Branche, January 29, 1839. Alleged violation of United States territory by Texan troops under Rusk. U. S. Pub. Docs., 660, Doc. 14, p. 19.

Rusk to Johnston, February 25, 1839. Rusk's report of his entry of United States territory. Incloses statement of Elias Vansickle, an extract from the journal of a Mexican officer,[a] and his agreement with the Caddo Indians. U. S. Pub. Docs., 660, Doc. 14, pp. 22–27; copy inclosed with Dunlap to Forsyth, June 29, 1839.[b]

Canalizo to Flores, February 27, 1839. Instructions as to Indian operations against the Texans. U. S. Pub. Docs., 660, Doc. 14, p. 31; Telegraph and Texas Register for July 10, 1839; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Canalizo to Córdova, February 27, 1839.[c] Instructions as to Indian operations against the Texans. U. S. Pub. Docs., 660, Doc. 14, p. 33; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Canalizo to Indian Chiefs, February 27, 1839. Understanding with Flores for cooperation. U. S. Pub. Docs., 660, Doc. 14, p. 35; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Canalizo to Córdova, March 1, 1839. Córdova desired to induce friendly Indians to help fulfill instructions. U. S. Pub. Docs., 660, Doc. 14, p. 33; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Canalizo's passport to Flores and Soto, March 9, 1839. They are to pass unobstructed into Texas to execute important commissions. U. S. Pub. Docs., 660, Doc. 14, p. 36; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Jones to Forsyth, March 10, 1839. The Government of the United States warned against coalition of United States Indians with those in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 20.

Forsyth to Jones, March 11, 1839. Receipt of Jones's note of the 10th. U. S. Pub. Docs., 660, Doc. 14, p. 20.

Canalizo to Flores, March 23, 1839. Delivery of mules taken by Flores from the Comanches. U. S. Pub. Docs., 660, Doc. 14, p. 34; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Canalizo to de la Garza, April 19, 1839. De la Garza to join Flores. U. S. Pub. Docs., 660, Doc. 14, p. 34; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Burleson to Johnston, May 22, 1839. Indian fight on the San Gabriel. Capture of important papers. U. S. Pub. Docs., 660, Doc. 14, p. 29; copy inclosed with Dunlap to Forsyth, June 29, 1839.

Dunlap to Forsyth, May 29, 1839. The entry of United States territory by Rusk. Depredations of United States Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 21.

La Branche to Forsyth, June 7, 1839. Transmits documents captured by Texans from Indians. League between Mexicans and Indians. Relation of Cherokees to the United States Government. U. S. Pub. Docs., 660, Doc. 14, p. 27.

Dunlap to Forsyth, June 29, 1839. Transmits documents to prove a league between the Mexicans and United States Indians to make war on Texas. U. S. Pub. Docs., 660, Doc. 14, p. 28.

La Branche to Forsyth, July 9, 1839. United States Government has sent commissioners to treat with Cherokees and associates. U. S. Pub. Docs., 660, Doc. 14, p. 42.

[a] This document does not appear among the inclosures in Rusk's letter that were printed.

[b] See Dunlap to Forsyth, May 29, 1839.

[c] Incorrectly given in the copy inclosed in Burnet to Dunlap, May 30, 1839, as 1838.

Forsyth to Dunlap, July 17, 1839. Receipt of Dunlap's note of June 29, and its reference to the Secretary of War. U. S. Pub. Docs., 660, Doc. 14, p. 41.

Poinsett to Forsyth, July 18, 1839. Apprehended Indian invasion of Texas. U. S. Pub. Docs., 660, Doc. 14, p. 42.

Forsyth to Dunlap, July 19, 1839. Transmitting Poinsett's letter of July 18. U. S. Pub. Docs., 660, Doc. 14, p. 42.

Crawford to Armstrong, July 25, 1839. United States Indians to be restrained from participating in contest between Texas and Mexico. U. S. Pub. Docs., 660, Doc. 14, p. 45; copy inclosed with Cooper to Forsyth, October 5, 1839.

Jones to Arbuckle, Many, and Wilson, July 30, 1839 (circular). United States Indians to be restrained from making war on Texans at the instigation of Mexicans. U. S. Pub. Docs., 660, Doc. 14, p. 45; copy inclosed with Cooper to Forsyth, October 5, 1839.

Frost to Garland, August 5, 1839. Violation of United States territory by Texan troops. U. S. Pub. Docs., 660, Doc. 14, p. 43; copy inclosed with Garland to Forsyth, August 23, 1839.

Garland to Forsyth, August 23, 1839. Transmits letter from J. W. Frost relative to violation of United States territory by Texan troops. U. S. Pub. Docs., 660, Doc. 14, p. 43; copy inclosed with Forsyth to La Branche, September 9, 1839.

Many to Jones, August 25, 1839. Apprehended Indian invasion of Texas. Mexicans not seeking to incite Indians to hostility. U. S. Pub. Docs., 660, Doc. 14, p. 46; copy inclosed with Cooper to Forsyth, October 5, 1839.

Emberson to Johnston, September 2, 1839. Contemplated invasion of Texas by Cherokees from the United States. U. S. Pub. Docs., 660, Doc. 14, p. 47; copy inclosed with Dunlap to Vail, November 21, 1839.

Forsyth to La Branche, September 9, 1839. Transmits letter from R. Garland reporting violation of United States territory by Texan troops. U. S. Pub. Docs., 660, Doc. 14, p. 43.

Cooper to Forsyth, October 5, 1839. Transmits copies of orders to enforce neutrality of United States Indians between Texas and Mexico. U. S. Pub. Docs., 660, Doc. 14, p. 44.

Forsyth to Dunlap, October 8, 1839. Transmits copy of Many to Jones, August 25, 1839. U. S. Pub. Docs., 660, Doc. 14, p. 44.

Dunlap to Forsyth, October 10, 1839. Receipt of Forsyth's note of the 8th concerning the condition of the Indians on the western border of the United States. U. S. Pub. Docs., 660, Doc. 14, p. 46.

La Branche to Forsyth, October 25, 1839. Violation of United States territory by Texan troops. U. S. Pub. Docs., 660, Doc. 14, p. 46.

Dunlap to Vail, November 21, 1839. Incloses a copy of a letter from Captain Emberson concerning a contemplated Cherokee invasion of Texas. U. S. Pub. Docs., 660, Doc. 14, p. 47.

Poinsett to Forsyth, November 28, 1839. Measures have been taken to prevent the Cherokees from invading Texas. U. S. Pub. Docs., 660, Doc. 14, p. 48; copy inclosed with Forsyth to Dunlap, November 29, 1839.

Forsyth to Dunlap, November 29, 1839. Incloses Poinsett's letter of November 28. U. S. Pub. Docs., 660, Doc. 14, p. 48.

Dunlap to Forsyth, February 24, 1840. Remuneration of Texans for property stolen by United States Indians. Statement of claims. U. S. Pub. Docs., 660, Doc. 14, pp. 48–50.

Forsyth to Dunlap, February 26, 1840. Remuneration of Texans for property stolen by United States Indians. U. S. Pub. Docs., 660, Doc. 14, p. 50.

Dunlap to Forsyth, March 25, 1840. Remuneration of Texans for property stolen by United States Indians. U. S. Pub. Docs., 660, Doc. 14, p. 50.

Dunlap to Forsyth, March 27, 1840. Claims of Texans for depredations of United States Indians. U. S. Pub. Docs., 660, Doc. 14, p. 50.

Almonte to Brown, June 20, 1840. Immigration of Cherokee and Delaware Indians to Mexico. U. S. Pub. Docs., 660, Doc. 14, p. 54; copy inclosed with Bee to Forsyth, December 17, 1840.

Bee to Forsyth, December 15, 1840 (extract).[a] Incitement of Indians by Mexicans to hostilities against Texans. U. S. Pub. Docs., 660, Doc. 14, pp. 51–55.

Forsyth to Bee, January 23, 1841. Depredations of United States Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 55.

Robertson to Mayfield, April 7, 1841. Two negro boys belonging to Robertson in possession of the Indians. U. S. Pub. Docs., 660, Doc. 14, p. 57.

Amory to Webster, May 19, 1841 (extract). The carrying away of J. W. Robertson's negroes by the Indians. U. S. Pub. Docs., 660, Doc. 14, pp. 56–58.

Wolf to Upshaw, August 27, 1841. Aggressions of Texans on United States Indians. U. S. Pub. Docs., 660, Doc. 14, p. 69; copy inclosed with Upshaw to Allen, August 31, 1841.

Upshaw to Allen, August 31, 1841. Transmitting letter of Wolf to Upshaw, August 27, 1841. U. S. Pub. Docs., 660, Doc. 14, p. 69; copy inclosed with Spencer to Webster, October 16, 1841.

Letter from Westport, Mo., September 11, 1841 (extract). Invitation by Comanches to Osages to join in attacking Texans. White captives taken by Comanches in Texas brought home by Osages. U. S. Pub. Docs., 660, Doc. 14, p. 66.

Bell to Webster, September 11, 1841. Transmitting abstract of correspondence as to alleged intrusions into Texas of United States Indians. U. S. Pub. Docs., 660, Doc. 14, pp. 58–65.

Lea to Webster, October 1, 1841. Contemplated attack on Texas by Comanche Indians. U. S. Pub. Docs., 660, Doc. 14, p. 66.

Webster to Bee, October 7, 1841. Transmitting correspondence relating to alleged depredations by United States Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 58.

Amory to Webster, October 12, 1841. Depredations of United States Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, pp. 66–68.

Spencer to Webster, October 16, 1841. Transmitting letter of Wolf to Upshaw, August 27, 1841. U. S. Pub. Docs., 660, Doc. 14, p. 68; copy of letter and inclosures transmitted with Webster to Eve, October 19, 1841, and with Eve to Jones, December 20, 1841.

Webster to Eve, October 19, 1841. Alleged attack by Texans on Indians within the limits of the United States. U. S. Pub. Docs., 660, Doc. 14, p. 68.

Eve to Webster, November 9, 1841 (extract). Reports of depredations by United States Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 70.

Eve to Webster, November 29, 1841 (extract). Complaints of outrages by United States Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 70.

Eve to Jones, December 20, 1841. Aggressions of Texans on United States Indians. U. S. Pub. Docs., 660, Doc. 14, p. 72.

Jones to Eve, December 30, 1841. Alleged injuries by Texans to Indians in the United States. U. S. Pub. Docs., 660, Doc. 14, p. 72.

Eve to Webster, January 2, 1842. Alleged attack by Texans on Indians in the United States. U. S. Pub. Docs., 660, Doc. 14, p. 71.

Jones to Reily, January 20, 1842.[b] Instructions. Telegraph and Texas Register for November 26, 1845.

[a] In the copy in the Texan archives the date is given as December 14.

[b] The manuscript copy on file in the archives is dated the 26th.

A Choctaw to Pitchlynn, February 9, 1842 (extract). Aggressions of Texans upon United States Indians. U. S. Pub. Docs., 660, Doc. 14, p. 76; copy transmitted with Pitchlynn to Spencer, March 25, 1842.

Reily to Jones, March 25, 1842 [private]. Nothing can be done for Texas in Washington, D. C. Jones, Memoranda and Official Correspondence, 178.

Pitchlynn to Spencer, March 25, 1842. Aggressions of Texans on United States Indians. U. S. Pub. Docs., 660, Doc. 14, p. 77; copy transmitted with Spencer to Webster, March 28, 1842.

Spencer to Taylor, March 26, 1842. Restraint of United States Indians from invasion of Texas. U. S. Pub. Docs., 660, Doc. 14, p. 75; Telegraph and Texas Register for May 11, 1842; copy inclosed with Spencer to Webster of the same date.

Spencer to Webster, March 26, 1842. Transmits instructions to General Taylor and agents among frontier Indians. U. S. Pub. Docs., 660, Doc. 14, p. 75; copy inclosed with Webster to Reily, April 7, 1842.

Spencer to Webster, March 28, 1842. Transmits copy of a letter from Pitchlynn of March 25, 1842. U. S. Pub. Docs., 660, Doc. 14, p. 76; copy of letter and inclosures transmitted with Webster to Eve, April 20, 1842, and with Eve to Jones, May 9, 1842.

Reily to Webster, March 28, 1842 (extract). Request for tariff concessions to Texas. Duty of United States to restrain its Indians from invading Texas. Desirability of reciprocal mail arrangement between the United States and Texas. U. S. Pub. Docs., 403, Doc. 162, p. 1; ibid., 660, Doc. 14, p. 73; Telegraph and Texas Register for May 4, 1842.[a]

Webster to Reily, April 7, 1842 (extract). Transmits instructions to General Taylor concerning frontier Indians. U. S. Pub. Docs., 660, Doc. 14, p. 74.

Webster to Eve, April 20, 1842. Complaints of aggressions of Texans on Choctaw Indians. U. S. Pub. Docs., 660, Doc. 14, p. 76.

Eve to Roberts, April 20, 1842. Information sought concerning certain persons engaged in the Santa Fe expedition. U. S. Pub. Docs., 405, Doc. 271, p. 2.

Roberts to Eve, April 23, 1842. Information concerning the men named in Eve's letter of April 20, 1842. U. S. Pub. Docs., 405, Doc. 271, p. 3.

Eve to Jones, May 9, 1842; indorsed "No. 4." Expressing President Tyler's appreciation of the conduct of Commodore Moore in affording rescue to the United States schooner *Sylph*. U. S. Pub. Docs., 405, Doc. 271, p. 4.

Eve to Jones, May 9, 1842; indorsed "No. 5." Aggressions of Texans on United States Indians. U. S. Pub. Docs., 405, Doc. 271, p. 4; ibid., 660, Doc. 14, p. 79.

Bocanegra to Webster, May 31, 1842. Aggressions of United States citizens against Mexico. U. S. Pub. Docs., 405, Doc. 266, p. 16.

Jones to Eve, June 7, 1842.[b] Alleged aggressions of Texans on United States Indians. U. S. Pub. Docs., 405, Doc. 271, p. 5; ibid., 660, Doc. 14, p. 79.

Eve to Webster, June 11, 1842. Aggressions of Texans on United States Indians. U. S. Pub. Docs., 660, Doc. 14, p. 78.

O'Neal to Choctaw and Chickasaw Chiefs.[c] Requesting assistance in an attack on Indians "up Red River." U. S. Pub. Docs., 660, Doc. 14, p. 82; copy inclosed with Upshaw to Crawford, July 6, 1842, and with Eve to Terrell, September 5, 1842.

Eve to Jones, July 2, 1842. Texan "paper blockade" of Mexican coast. U. S. Pub. Docs., 405, Doc. 271, p. 6.

[a] See also Reily to Jones, March 29, 1842.

[b] The date of the copy in the Texan archives is June 6.

[c] Undated, but written probably during the latter part of June, 1842.

Upshaw to Abberson, July 5, 1842. Advising Indians to disregard O'Neal's invitation. U. S. Pub. Docs., 660, Doc. 14, p. 83; copy inclosed with Upshaw to Crawford, July 6, 1842.

Upshaw to Crawford, July 6, 1842. Transmits copy of a letter from Texan militia officer to Choctaw and Chickasaw chiefs. U. S. Pub. Docs., 660, Doc. 14, p. 82; copy inclosed with Spencer to Webster, July 30, 1842.

Spencer to Webster, July 30, 1842. Interference of a Texan military officer with United States Indians. U. S. Pub. Docs., 660, Doc. 14, p. 81; copy of letter and inclosures transmitted with Webster to Eve, August 4, 1842, and with Eve to Terrell, September 5, 1842.

Webster to Eve, August 4, 1842. Interference of a Texan military officer with United States Indians. U. S. Pub. Docs., 660, Doc. 14, p. 80.

Hockley to Warfield, August 16, 1842. Instructions. U. S. Pub. Docs., 660, Doc. 14, p. 117; copy inclosed with Van Zandt to Upshur, August 4, 1843.

Eve to Terrell, September 5, 1842. Effort of the Texan O'Neal to incite United States Indians to attack those of Texas. U. S. Pub. Docs., 660, Doc. 14, p. 84; copy transmitted with Eve to Webster, September 15, 1842.

Waples to Eve, September 9, 1842. O'Neal's conduct to be investigated. U. S. Pub. Docs., 660, Doc. 14, p. 85; copy transmitted with Eve to Webster, September 15, 1842.

Waples to Benton, September 9, 1842. Benton to make inquiry into the conduct of O'Neal. U. S. Pub. Docs., 660, Doc. 14, p. 87; copy transmitted with Waples to Eve, September 16, 1842.

Eve to Webster, September 15, 1842. Transmits copy of Eve to Terrell, September 5, and of the reply on the 9th. U. S. Pub. Docs., 660, Doc. 14, p. 84.

Waples to Eve, September 16, 1842. Transmits copy of Waples to Benton, September 9, 1842. U. S. Pub. Docs., 660, Doc. 14, p. 86; copy inclosed with Eve to Webster, September 22, 1842.

Eve to Webster, September 22, 1842. Transmits copy of the letter of Waples, September 16, 1842, with instructions to district attorney concerning conduct of Major O'Neal. U. S. Pub. Docs., 660, Doc. 14, p. 86.

Spencer to Webster, October 5, 1842. A white boy, supposed to belong to Texas, has beeen ransomed from captivity among the Comanche Indians. U. S. Pub. Docs., 660, Doc. 14, p. 88; copy inclosed with Webster to Eve, October 11, 1842.

Terrell to Eve, October 11, 1842. United States commissioner to council of Texans and Indians. Eve invited to attend. U. S. Pub. Docs., 660, Doc. 14, p. 89; copy inclosed with Eve to Webster, November 1, 1842.

Webster to Eve, October 11, 1842. Transmits copy of Spencer to Webster, October 5, 1842. U. S. Pub. Docs., 660, Doc. 14, p. 88.

Terrell to Eve, October 15, 1842. The character of the war waged by Mexico against Texas. For the general draft[a] see Lester, Sam Houston and His Republic, 163–167; a reprint of the same work with additions, but without the name of the author, published in 1855, by J. C. Derby, under the title, The Life of Sam Houston, 226–230; U. S. Pub. Docs., 435, Doc. 341, pp. 15–18, where a part of the letter is omitted.

Eve to Houston, October 20, 1842 (extract). Eve has been unable to attend the council of the Texans and Indians. U. S. Pub. Docs., 660, Doc. 14, p. 90; copy inclosed with Eve to Webster, November 1, 1842.

Taylor to Adjutant-General [Jones], October 25, 1842. Another white boy ransomed from captivity among the Indians. U. S. Pub. Docs., 660, Doc. 14, p. 93; copy inclosed with Spencer to Webster, November 23, 1842, and with Eve to Jones, December 18, 1842.

[a] Copies of the same were sent to Elliot, Smith, and Van Zandt.

Eve to Waples, October 29, 1842. Transmits copy of Spencer to Webster, October 5, 1842. U. S. Pub. Docs., 660, Doc. 14, p. 90; copy inclosed with Eve to Webster, November 1, 1842.

Eve to Webster, November 1, 1842. Description of white boy rescued by General Taylor from Comanches. Transmits correspondence concerning him. U. S. Pub. Docs., 660, Doc. 14, p. 89.

Armstrong to Crawford, November 4, 1842. Transmits copy of resolution of Choctaw council. Abuses connected with Texan trade with Indians. U. S. Pub. Docs., 660, Doc. 14, p. 96; copy inclosed with Spencer to Webster, December 16, 1842.

Benton to Jones, November 15, 1842 (extract). Report on the conduct of Choctaw Agent Upshaw. U. S. Pub. Docs., 660, Doc. 14, p. 105.

Jones to Eve, November 19, 1842.[a] White boy redeemed from captivity among the Comanches by General Taylor. U. S. Pub. Docs., 660, Doc. 14, p. 91.

Spencer to Webster, November 23, 1842. Transmits copy of Taylor to Adjutant-General [Jones], October 25, 1842. U. S. Pub. Docs., 660, Doc. 14, p. 92; copy inclosed with Webster to Eve, November 26, 1842.

Webster to Eve, November 26, 1842. Transmits copy of Spencer to Webster, November 23, 1842. U. S. Pub. Docs., 660, Doc. 14, p. 92.

Eve to Jones, December 10, 1842 (extract). Receipt of Waples's letter of November 10, inclosing exequaturs for Green and Wood, and of Jones's letter of November 19 as to the white boy redeemed from captivity among the Comanches. U. S. Pub. Docs., 660, Doc. 14, p. 91. The part omitted in the printed document is that referring to the exequaturs.

Van Zandt to Webster, December 14, 1842.[b] Character of war waged by Mexico against Texas. For the general draft see Lester, Sam Houston and His Republic, 163–167; a reprint of the same work with additions, but without the name of the author, published in 1855 by J. C. Derby under the title, The Life of Sam Houston, 226–230; extracts in U. S. Pub. Docs., 435, Doc. 341, pp. 15–18; ibid., 444, Doc. 271, pp. 15–17; Niles's Register, LXVI, 163.

Spencer to Webster, December 16, 1842. Transmits copy of Armstrong to Crawford, November 4, 1842. Indian agents on the Texan boundary instructed not to allow foreigners among Indians without passports. U. S. Pub. Docs., 660, Doc. 14, p. 96; copy of letter and inclosures transmitted with Webster to Eve, December 27, 1842.

Van Zandt to Webster, December 16, 1842. Prohibition of trade between United States citizens and Indians in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 93.

Eve to Webster, December 18, 1842 (extract). Has transmitted copy of Taylor's letter (October 25) to Jones. U. S. Pub. Docs., 660, Doc. 14, p. 94.

Eve to Jones, December 18, 1842. Transmits letters relative to the redemption of another white boy from captivity among the Comanches. U. S. Pub. Docs., 660, Doc. 14, p. 95; copy inclosed with Eve to Webster, December 18, 1842.

Jones to Eve, December 21, 1842. Council with the Indians on the Brazos. U. S. Pub. Docs., 660, Doc. 14, p. 99; copy inclosed with Eve to Webster, January 7, 1843.

Webster to Eve, December 27, 1842. Transmits copy of Spencer to Webster, December 16, 1842. U. S. Pub. Docs., 660, Doc. 14, p. 95.

Van Zandt to Webster, December 30, 1842. A white boy named Lyons captured in Fayette County, Tex., is held captive by the Osage Indians in the United States. U. S. Pub. Docs., 660, Doc. 14, p. 98.

[a] In the manuscript copy on file in the Texan archives the date is given as November 18.

[b] Copies were sent also to Elliot and Smith.

Eve to Jones, January 2, 1843. Council with the Indians to be held on the Brazos. Eve's health has been bad. He will follow the dictates of prudence as to attending. U. S. Pub. Docs., 660, Doc. 14, p. 100; copy inclosed with Eve to Webster, January 7, 1843.

Eve to Webster, January 7, 1843 (extract). Transmits copy of Jones to Eve, December 21, 1842, and of Eve's reply, January 2. U. S. Pub. Docs., 660, Doc. 14, p. 98.

Eve to Jones, January 11, 1843. Transmits resolution of Choctaw council. Trade, especially in whisky, between Texans and United States Indians. U. S. Pub. Docs., 660, Doc. 14, p. 102; copy transmitted with Eve to Webster, January 15, 1843. The portion omitted in printing is a postscript concerning money advanced by Thompson to Santa Fe prisoners.

Van Zandt to Webster, January 12, 1843. Appointment of a commissioner to the council between Texans and Indians to be held on the Brazos, February 9. U. S. Pub. Docs., 660, Doc. 14, p. 100.

Eve to Webster, January 15, 1843. Eve has transmitted to the state department of Texas a copy of the resolution of the Choctaw council, with a note communicating instructions given to superintendents and agents of Indians near Texan boundary. U. S. Pub. Docs., 660, Doc. 14, p. 101.

Spencer to Webster, January 17, 1843. Instructions to prohibit foreigners' going into the Indian country without a license. Desire of War Department to notify Texas Indians that when they commit depredations in Texas they can not find an asylum in the United States. U. S. Pub. Docs., 660, Doc. 14, p. 103; copy inclosed with Webster to Van Zandt, January 20, 1843.

Webster to Van Zandt, January 20, 1843. Transmits Spencer to Webster, January 17, 1843. U. S. Pub. Docs., 660, Doc. 14, p. 103.

Van Zandt to Webster, January 24, 1843. Mediation of the United States, France, and England between Texas and Mexico. U. S. Pub. Docs., 435, Doc. 341, p. 70; ibid., 444, Doc. 271, p. 70.

Waples to Eve, January 25, 1843. Receipt of Eve's letter of December 18, concerning the white boy ransomed from Indian captivity by General Taylor. U. S. Pub. Docs., 660, Doc. 14, p. 107; copy inclosed with Eve to Webster, March 16, 1843.

Jones to Eve, January 31, 1843. Receipt of Eve's letter of the 11th, transmitting copy of resolution of Choctaw council. Steps to be taken to prevent Texans from committing the acts complained of by agents of the Indians contiguous to the river. U. S. Pub. Docs., 660, Doc. 14, p. 108; copy inclosed with Eve to Webster, March 16, 1843.

Webster to Van Zandt, February 2, 1843. Receipt of Van Zandt's notes of December 14, 1842, and January 24, 1843. Copies have been forwarded, with instructions, to the United States minister at Mexico. U. S. Pub. Docs., 435, Doc. 341, p. 69; ibid., 444, Doc. 271, p. 69.

Van Zandt to Webster, February 3, 1843. Receipt of Webster's notes of December 20 and February 2. Report of District Attorney Benton as to conduct of Choctaw Agent Upshaw. Exchange of mails. Part relating to Indian depredations in U. S. Pub. Docs., 660, Doc. 14, p. 105; that relating to exchange of mails in ibid., 421, Doc. 146, p. 1.

Taylor to Adjutant-General [Jones], February 22, 1843. The two white boys ransomed from the Comanches restored to their relative, Mr. Parker. U. S. Pub. Docs., 660, Doc. 14, p. 109; copy inclosed with Porter to Webster, March 15, 1843, and with Eve to Jones, April 13, 1843.

Eve to Jones, March 13, 1843 (extract). Receipt of Waples's note of January 25 and Jones's of January 31. U. S. Pub. Docs., 660, Doc. 14, p. 108; copy inclosed with Eve to Webster, March 16, 1843.

Van Zandt to Jones, March 15, 1843 [private]. Condition of Texan affairs at Washington, D. C. Jones, Memoranda and Official Correspondence, 211–214; extract in Tyler, Letters and Times of the Tylers, III, 129.

Porter to Webster, March 15, 1843. Transmits copy of Taylor to Adjutant-General, February 22. U. S. Pub. Docs., 660, Doc. 14, p. 109; copy inclosed with Webster to Eve, March 17, 1843.

Eve to Webster, March 16, 1843. Transmits copies of the letters of Waples, January 25, 1843, and of Jones, January 31, 1843. U. S. Pub. Docs., 660, Doc. 14, p. 107.

Jones to Van Zandt, March 16, 1843 [private]. Van Zandt defends himself against the charge of taking Jones to task. Jones, Memoranda and Official Correspondence, 214–216.

Jones to Van Zandt, March 16, 1843 [private]. Complaining of the publication of private matter. Jones, Memoranda and Official Correspondence, 216–219.

Webster to Eve, March 17, 1843. Transmits copies of Porter to Webster, March 15, and of Taylor to Adjutant-General, February 22. U. S. Pub. Docs., 660, Doc. 14, p. 109.

Van Zandt to Jones, April 5, 1843 [private]. Mr. Webster too much engrossed with the Ashburton treaty to give attention to Texas matters. Tyler proceeding cautiously. Van Zandt's financial affairs. Jones, Memoranda and Official Correspondence, 220–222; extract in Tyler, Letters and Times of the Tylers, III, 130.

Eve to Jones, April 13, 1843. Transmits copy of Taylor to Adjutant-General, February 22. U. S. Pub. Docs., 660, Doc. 14, pp. 109–110; copy inclosed with Eve to Webster, April 14, 1843.

Eve to Webster, April 14, 1843 (extract). Receipt of Webster's dispatch of March 17. Eve has transmitted to the Texan secretary of state a copy of Taylor's letter of February 22 to the War Department of the United States. U. S. Pub. Docs., 660, Doc. 14, p. 110.

Upshaw to Crawford, April 15, 1843. Upshaw denies that he has incited the Indians to take revenge for aggressions committed by Texans. U. S. Pub. Docs., 660, Doc. 14, p. 115; copy inclosed with Crawford to Porter, May 26, 1843.

Shaw to Doak and Tims and others, April 17, 1843.[a] Collector directed to release property of United States Government seized as contraband. U. S. Pub. Docs., 449, Doc. 1, p. 95; ibid., 463, Doc. 2, p. 92; copy inclosed with Van Zandt to Upshur, August 8, 1843.

Shaw to Bourland, April 17, 1843. Instructions concerning goods of United States Government and citizens seized as contraband. U. S. Pub. Docs., 449, Doc. 1, p. 92; ibid., 463, Doc. 2, p. 92; copy inclosed with Van Zandt to Upshur, August 8, 1843.

Van Zandt to Jones, April 19, 1843 [private]. Tyler moving toward the democracy. Van Zandt's financial affairs. Jones, Memoranda and Official Correspondence, 222.

Mitchell to Porter, April 21, 1843. The proposed Warfield expedition. U. S. Pub. Docs., 660, Doc. 14, p. 112; copy inclosed with Porter to Webster, May 6, 1843.

Jones to Eve, April 23, 1843. Restoration of the two white boys who were held in captivity by the Comanches to their relatives. U. S. Pub. Docs., 660, Doc. 14, p. 111; copy inclosed with Eve to Webster, May 8, 1843.

Bourland to Secretary of Treasury of Texas [Shaw], May 4, 1843. Report of violent removal of goods from custom-house by United States citizens April 7, 1843. U. S. Pub. Docs., 449, Doc. 1, pp. 93–95; ibid., 463, Doc. 2, pp. 93–95.

[a] U. S. Pub. Docs., 449, Doc. 1, p. 95, the date is given as April 7, which is evidently an error.

Inventory of goods seized at Bryarly's Landing.[a] U. S. Pub. Docs., 449, Doc. 1, p. 94; ibid., 463, Doc. 2, p. 94.

Porter to Webster, May 6, 1843. Transmits copy of report of Superintendent of Indian Affairs at St. Louis. U. S. Pub. Docs., 660, Doc. 14, p. 112.

Eve to Webster, May 8, 1843. Transmits copy of Jones to Eve, April 23, 1843. U. S. Pub. Docs., 660, Doc. 14, p. 111.

Legaré to Van Zandt, May 10, 1843. The proposed Warfield expedition. U. S. Pub. Docs., 660, Doc. 14, p. 112.

Crawford to Porter, May 26, 1843. Transmits a copy of Upshaw's letter of April 15. U. S. Pub. Docs., 660, Doc. 14, p. 115.

Porter to Legaré, May 27, 1843. Transmits a copy of Crawford's letter of May 26, inclosing Upshaw's of April 15. U. S. Pub. Docs., 660, Doc. 14, p. 114; copy inclosed with Legaré to Van Zandt, June 1, 1843.

Van Zandt to Legaré, June 1, 1843. The proposed Warfield expedition. U. S. Pub. Docs., 660, Doc. 14, p. 113.

Legaré to Van Zandt, June 1, 1843. Transmitting Porter's letter of May 27, with inclosures. U. S. Pub. Docs., 660, Doc. 14, p. 114.

Murphy to Secretary of State [Legaré], June 16, 1843 (extract). Transmits proclamation of Houston, June 15, 1843, declaring an armistice with Mexico. U. S. Pub. Docs., 435, Doc. 341, p. 83; ibid., 444, Doc. 271, p. 82; Niles's Register, LXVI, 251.

Decree of Mexican Government, June 17, 1843. No quarter to be given to invading foreigners. U. S. Pub. Docs., 449, Doc. 1, p. 34; Niles's Register, LXVII, 233; Telegraph and Texas Register for August 23, 1843.[b]

Van Zandt to Legaré, June 29, 1843. Receipt of Legaré's letter of June 1, with inclosures. U. S. Pub. Docs., 660, Doc. 14, p. 116.

Murphy to Legaré, July 8, 1843. Misunderstanding of the attitude of the United States toward Texas. Bad condition of the archives of the legation. U. S. Pub. Docs., 435, Doc. 341, p. 72; ibid., 444, Doc. 271, p. 72.

Murphy to Legaré, July 9, 1843. Death of Judge Eve. U. S. Pub. Docs., 444, Doc. 271, p. 73.

Snively to Hill, July 9, 1843 (extract). Report of the disarming of Snively's troops by United States dragoons under Captain Cooke. U. S. Pub. Docs., 449, Doc. 1, p. 99; copy inclosed with Van Zandt to Upshur, November 10, 1843.

Van Zandt to Upshur, August 4, 1843. Instructions to Warfield. Powers of Warfield revoked. U. S. Pub. Docs., 660, Doc. 14, p. 117.

Upshur to Murphy, August 8, 1843. Movement in England to abolish slavery in Texas. U. S. Pub. Docs., 435, Doc. 341, pp. 18–22; ibid., 444, Doc. 271, pp. 18–22; Niles's Register, LXVI, 164.

Van Zandt to Upshur, August 8, 1843. Outrages committed by United States citizens on Collector Bourland. U. S. Pub. Docs., 449, Doc. 1, p. 91; ibid., 463, Doc. 2, p. 91.

Upshur to Van Zandt, August 11, 1843.[c] Upshur regrets attack on collector of customs and will make inquiry into the affair. U. S. Pub. Docs., 449, Doc. 1, p. 96; ibid., 463, Doc. 2, p. 95.

Van Zandt to Jones, August 12, 1843 [private]. Upshur's zeal on behalf of Texas. Better prospects for the Republic. Jones, Memoranda and Official Correspondence, 243.

Van Zandt to Upshur, August 16, 1843. Council of the Indians on the Brazos. A United States commissioner should be sent with power to conclude the con-

[a] Inclosed with Bourland to Secretary of Treasury of Texas, May 4, 1843.

[b] See Calhoun to Shannon, September 10, 1844.

[c] In the transcript in the files of the correspondence in the Texan archives the date is given as the 10th.

templated treaty so as to make the United States its guarantor. U. S. Pub. Docs., 660, Doc. 14, p. 118.

Derrick to Van Zandt, August 18, 1843. Receipt of Van Zandt's note of the 16th. Copy transmitted to Secretary of War. U. S. Pub. Docs., 660, Doc. 14, p. 120.

Crawford to Porter, August 18, 1843. Recommends that a United States commissioner be sent to the Indian council in November, and that two treaties be made—one between Texas and the Indians, and one between the United States and the Indians. U. S. Pub. Docs., 660, Doc. 14, p. 121; copy inclosed with Parker to Upshur, August 22, 1843.

Parker to Upshur, August 22, 1843. Transmits report of Crawford indorsed by Porter. U. S. Pub. Docs., 660, Doc. 14, p. 121; copy inclosed with Upshur to Van Zandt, September 7, 1843.

Proclamation of Houston, September 4, 1843. Ordering release of Mexican prisoners. Telegraph and Texas Register for September 20, 1843.

Upshur to Van Zandt, September 7, 1843. A United States commissioner will be sent to meet the Indian chiefs at the council in November. U. S. Pub. Docs., 660, Doc. 14, p. 120.

Van Zandt to Upshur, September 14, 1843. Receipt of Upshur's note of September 7. U. S. Pub. Docs., 660, Doc. 14, p. 122.

Van Zandt to Upshur, September 14, 1843. The two captive negro boys belonging to Doctor Robertson. U. S. Pub. Docs., 660, Doc. 14, p. 123.

Upshur to Murphy, September 22, 1843 (extract). Policy of England with reference to Texas. U. S. Pub. Docs., 435, Doc. 341, p. 25; ibid., 444, Doc. 271, p. 25; Niles's Register, LXVI, 166.

Upshur to Murphy, September 22, 1843, confidential (extract). Policy of England with reference to Texas. U. S. Pub. Docs., 435, Doc. 341, p. 25; ibid., 444, Doc. 271, p. 25; Niles's Register, LXVI, 166.

Murphy to Upshur, September 23, 1843 (extract). Movement in England to abolish slavery in Texas. U. S. Pub. Docs., 435, Doc. 341, p. 24; ibid., 444, Doc. 271, p. 24; Niles's Register, LXVI, 166.

Murphy to Upshur, September 24, 1843. Movement in England to abolish slavery in Texas. U. S. Pub. Docs., 435, Doc. 341, pp. 23–24; ibid., 444, Doc. 271, pp. 22–24; Niles's Register, LXVI, 165.

Upshur to Van Zandt, October 16, 1843. Annexation of Texas. U. S. Pub. Docs., 435, Doc. 341, p. 37; ibid., 444, Doc. 271, p. 37; Niles's Register, LXVI, 169.

Van Zandt to Upshur, October 19, 1843. Copy of Upshur's note of the 16th has been sent to Texas. U. S. Pub. Docs., 435, Doc. 341, p. 37; ibid., 444, Doc. 271, p. 37; Niles's Register, LXVI, 169.

Van Zandt to Jones, October 22, 1843 [private]. Doctor Robertson's negroes. The outrage on Colonel Bourland. Friction between the United States and Mexico. Secretary Porter secretly opposed to Texas. Van Zandt's financial affairs. Van Zandt hopes Jones will accept annexation. Jones, Memoranda and Official Correspondence, 259–261.

Van Zandt to Upshur, November 10, 1843. Disarming of the troops of Major Snively. U. S. Pub. Docs., 449, Doc. 1, pp. 96–98; ibid., 463, Doc. 2, pp. 95–98.

A gentleman of Texas to the Secretary of State [Upshur], November 20, 1843. Probable effects of failure of the treaty of annexation. U. S. Pub. Docs., 444, Doc. 271, p. 105; copy inclosed with Calhoun to the President of the United States, May 16, 1844.

Upshur to Murphy, November 21, 1843 (extracts). Annexation. U. S. Pub. Docs., 435, Doc. 341, p. 42; Niles's Register, LXVI, 170.

Upshur to Van Zandt, December 29, 1843. The United States Government has had no intention to sanction any act offensive to the dignity of Texas. Inquiry

will be made as to the disarming of Snively's troops. U. S. Pub. Docs., 449, Doc. 1, p. 100; ibid., 463, Doc. 2, p. 98.

Upshur to Murphy, January 16, 1844. Feeling toward annexation in Texas. U. S. Pub. Docs., 435, Doc. 341, pp. 43–48; Niles's Register, LXVI, 170; Tyler, Letters and Times of the Tylers, II, 283; Telegraph and Texas Register for June 5, 1844.

Van Zandt to Upshur, January 17, 1844. The defense of Texas against Mexico pending negotiations for annexation. U. S. Pub. Docs., 444, Doc. 271, p. 88; Niles's Register, LXVI, 230.

Upshur to Van Zandt, January 19, 1844. Statement based on Cooke's report of the disarming of Snively's men. The locality probably within territory of the United States. Cooke's conduct to be inquired into by a military court. The arms taken will be restored or paid for. The doctrine attributed to General Gaines disavowed. U. S. Pub. Docs., 449, Doc. 1, pp. 101–104; ibid., 463, Doc. 2, pp. 98–101.

Houston to Van Zandt, January 29–February 15, 1844 (confidential). Instructions concerning annexation. Offensive and defensive alliance between United States and Texas proposed. Preparations to negotiate for annexation. Telegraph and Texas Register for November 26, 1845.

Houston to Murphy, February 3, 1844 (strictly confidential). Annexation. Request for five United States vessels of war to cruise off Texan ports subject to Murphy's orders. Telegraph and Texas Register for November 26, 1845.

Porter to Upshur, February 3, 1844. Decision of Department of War as to two slaves claimed by Doctor Robertson. U. S. Pub. Doc., 660, Doc. 14, p. 124; copy inclosed with Upshur to Van Zandt, February 6, 1844.

Upshur to Van Zandt, February 6, 1844. Transmits Porter's letter of February 3. U. S. Pub. Docs., 660, Doc. 14, p. 124.

Jones to Murphy, February 14, 1844. Defense of Texas against Mexico, pending negotiations for annexation. U. S. Pub. Docs., 444, Doc. 271, p. 89; Niles's Register, LXVI, 231.

Murphy to Jones, February 14, 1844. Defense of Texas against Mexico, pending negotiations for annexation. Guaranty of independence of Texas in case of failure of annexation. U. S. Pub. Docs., 444, Doc. 271, p. 90; Niles's Register, LXVI, 231.

Jones to Murphy, February 15, 1844. On Murphy's assurances, the President has determined to begin negotiations for annexation. U. S. Pub. Docs., 444, Doc. 271, p. 91; Niles's Register, LXVI, 231.

Murphy to Upshur, February 15, 1844. Henderson appointed to negotiate for annexation. Disposition of United States forces for the protection of Texas. U. S. Pub. Docs., 444, Doc. 271, p. 92; Niles's Register, LXVI, 231.

Houston to Jackson, February 16, 1844. If treaty should fail, Texas would cease to expect annexation. U. S. Pub. Docs., 444, Doc. 271, p. 110.

Murphy to Tyler, February 17, 1844 [private]. Promise made to Texas of protection against Mexico. Tyler, Letters and Times of the Tylers, II, 287.

Raymond to Jones, February 17, 1844 [private]. Annexation gaining ground. Doctor Robertson's negroes to be restored. Commercial treaty dead. Raymond's financial affairs. Jones, Memoranda and Official Correspondence, 314–316.

Murphy to Davis, February 19, 1844. Order to sail to Vera Cruz. U. S. Pub. Docs., 444, Doc. 271, p. 94; Niles's Register, LXVI, 232; copy inclosed with Murphy to Upshur, February 22, 1844.

Van Zandt to Upshur, February 21, 1844. Controverting the statements of Cooke relative to the disarming of Snively's men. Gaines's letter. The attack on Bourland. U. S. Pub. Docs., 449, Doc. 1, pp. 104–109; ibid., 463, Doc. 2, pp. 102–106; Calhoun's Works, V, 399–408.

Murphy to Upshur, February 22, 1844. Disposition of United States troops for the protection of Texas. U. S. Pub. Docs., 444, Doc. 271, p. 93; Niles's Register, LXVI, 231.

Van Zandt to Jones, February 27, 1844 [private]. Telling of the accident on board the *Princeton*. Jones, Memoranda and Official Correspondence, 323.

Allen to Walker, March 1, 1844. Effects of failure of the treaty of annexation. U. S. Pub. Docs., 444, Doc. 271, p. 108; copy inclosed with Calhoun to the President of the United States, May 16, 1844.

Nelson to Murphy, March 11, 1844. Murphy has exceeded instructions in his promises as to the defense of Texas. President will extend Texas all the protection within his constitutional powers. U. S. Pub. Docs., 444, Doc. 271, p. 95; Niles's Register, LXVI, 232.

Jackson to ———, March 11, 1844 [extract]. Effect of failure of treaty of annexation. Confidential letter from Houston inclosed. U. S. Pub. Docs., 444, Doc. 271, p. 109; copy inclosed with Calhoun to the President of the United States, May 16, 1844.

Henderson to Jones, March 30, 1844 [private]. Henderson's mission known. All the leading Whigs and some leading Democrats wish to postpone the subject of annexation till after the election. The Whigs to be cultivated. Jones, Memoranda and Official Correspondence, 333–335.

Murphy to Jones, April 4, 1844 [private]. Murphy's guaranty to Texas disapproved by his Government. Jones, Memoranda and Official Correspondence, 335.

Houston to Jones, April 6, 1844 [private]. If the United States interposes obstacles to annexation, it will be easy to recall Henderson. Jones, Memoranda and Official Correspondence, 336.

Calhoun to Van Zandt and Henderson, April 11, 1844. Defense of Texas against Mexico, pending negotiations for annexation. U. S. Pub. Docs., 435, Doc. 349, p. 11; ibid., 444, Doc. 271, p. 96; Niles's Register, LXVI, 232.

Murphy to Jones, April 12, 1844. Employment of United States troops for the protection of Texas. U. S. Pub. Docs., 444, Doc. 271, p. 97; Niles's Register, LXVI, 232; copy inclosed with Murphy to Secretary of State, April 14, 1844.

Murphy to Secretary of State [Calhoun], April 14, 1844. Transmits copy of Murphy to Jones, April 12, 1844. U. S. Pub. Docs., 444, Doc. 271, p. 97; Niles's Register, LXVI, 232.

Houston to Jones, April 14, 1844 [private]. Instructions to agents at Washington. Rumor that United States Government has disavowed Murphy's pledges. Jones, Memoranda and Official Correspondence, 340.

Van Zandt and Henderson to Calhoun, April 15, 1844. Annexation. Financial condition of Texas. U. S. Pub. Docs., 435, Doc. 341, pp. 13–15; ibid., 444, Doc. 271, p. 13; Niles's Register, LXVI, 163; Calhoun's Works, V, 327–330.

Houston to Henderson and Van Zandt, April 16, 1844. Urgency of the question of annexation. Report that United States Government has disavowed promise of protection given by Murphy. Crane, Life and Select Literary Remains of Sam Houston, pp. 359–362.

Murphy to Jones, April 17, 1844 [private]. Requests copies of protests of France and England against negotiations for annexation. Jones, Memoranda and Official Correspondence, 338.

Letter dated Houston [Texas], April 20, 1844. Necessary result of rejection of treaty. U. S. Pub. Docs., 444, Doc. 271, p. 103; copy inclosed with Calhoun to President of the United States, May 16, 1844.

Houston to Jones, April 20–24, 1844 [private]. Acts of Murphy not disavowed by his Government. Jones requested to attend to the armistice and to

send such a letter as he "would not care to see published." Jones, Memoranda and Official Correspondence, 341.

Raymond to Jones, April 24, 1844 [private]. Bad prospect for the ratification of the treaty of annexation. Jones, Memoranda and Official Correspondence, 343–345.

Houston to Jones, April 29, 1844 [private]. Houston regrets that treaty gives Texas no security for indemnification in case of failure of annexation. Jones, Memoranda and Official Correspondence, 347.

Murphy to Calhoun, April 29, 1844. Copy of annexation treaty received and delivered to President Houston. Annual Report American Historical Association, 1899, II, 947–949.

Norton to Calhoun, April 29, 1844. Probable action of Texas if treaty of annexation fails. Annual Report of American Historical Association, 1899, II, 949–952; extracts in U. S. Pub. Docs., 444, Doc. 271, p. 104.

Calhoun to the President of the United States [Tyler], May 2, 1844. No communication from Texas declining annexation on file in Department of State. U. S. Pub. Docs., 435, Doc. 341, p. 68; ibid., 444, Doc. 271, p. 68; Niles's Register, LXVI, 195.

Houston to Murphy, May 6, 1844. Reasons for annexation. Crane, Life and Select Literary Remains of Sam Houston, 366–370.

Houston to Jones, May 9, 1844 [private]. If treaty is not ratified, Houston will require negotiations to be transferred to Texas. Jones, Memoranda and Official Correspondence, 350.

Calhoun to Van Zandt and Henderson, May 15, 1844. Proposed armistice between Texas and Mexico. U. S. Pub. Docs., 435, Doc. 341, p. 85; ibid., 444, Doc. 271, p. 85; Niles's Register, LXVI, 251.

Van Zandt and Henderson to Calhoun [May 16, 1844]. Armistice between Texas and Mexico. U. S. Pub. Docs., 435, Doc. 341, p. 86; ibid., 444, Doc. 271, p. 85; Niles's Register, LXVI, 251.

Calhoun to the President of the United States [Tyler], May 16, 1844. Transmits copy of Murphy to the Secretary of State [Legaré], June 16, 1843. U. S. Pub. Docs., 435, Doc. 341, p. 83; ibid., 444, Doc. 271, p. 82.

Calhoun to President of the United States [Tyler], May 16, 1844. Transmits copies of correspondence to show probable action of Texan Government if treaty of annexation fails. U. S. Pub. Docs., 444, Doc. 271, p. 102.

Murphy to Jones, May 23, 1844 [private]. United States vessels guarding Texan coast. Murphy thinks treaty will be ratified. Jones, Memoranda and Official Correspondence, 353.

Calhoun to the President of the United States [Tyler], May 30, 1844. Transmitting correspondence concerning military protection promised Texas on agreeing to annexation. U. S. Pub. Docs., 435, Doc. 349, pp. 1–3; ibid., 444, Doc. 271, p. 87; Niles's Register, LXVI, 230.

Henderson to Jones, June 2, 1844 [private]. Henderson instructed by Houston to press annexation no further. Friends of Texas counsel patience and promise success. Jones, Memoranda and Official Correspondence, 356.

Calhoun to President of the United States [Tyler], June 4, 1844. Calhoun's attention called to letter of Van Zandt to Upshur, February 17, 1844, not in writing but orally. U. S. Pub. Docs., 436, Doc. 361; ibid., 444, Doc. 271, p. 97; Niles's Register, LXVI, 233.

Raymond to Jones, June 5, 1844 [private]. Little prospect of favorable action on annexation by existing Congress. A likelihood of called session and possibility of favorable action then. Jones, Memoranda and Official Correspondence, 359.

Henderson to Jones, June 7, 1844 [private]. Senate puzzled over the treaty. Rives's resolution asking for time to ascertain popular will and obtain agreement with Mexico concerning boundaries. Prospect of Polk's election. Jones, Memoranda and Official Correspondence, 364.

Woll to Houston, June 19, 1844. Renewal of hostilities against Texas. U. S. Pub. Docs., 449, Doc. 1, p. 26; ibid., 463, Doc. 2, p. 27; Niles's Register, LXVII, 231; Calhoun's Works, V, 360; Telegraph and Texas Register for August 7 and 14, 1844.

Order of General Woll, June 20, 1844. Prohibiting communication with the Texans. U. S. Pub. Docs., 449 Doc. 1, p. 35; Niles's Register, LXVII, 233; Calhoun's Works, V, 373.[a]

Houston to Jones, July 8, 1844 [private]. Houston thinks it necessary for Texas to be still very cautious in her diplomacy. Relations with Mexico. Jones, Memoranda and Official Correspondence, 371–374.

Hays[b] to Hill, July 21, 1844. Mexican preparations for war. U. S. Pub. Docs., 449, Doc. 1, p. 25; ibid., 463, Doc. 2, p. 26; Niles's Register LXVII, 231; Calhoun's Works, V, 359.

Houston to Santa Anna, July 29, 1844. Houston regrets Santa Anna's departure from diplomatic forms in his letter of June 19, and defends the Texans against the charge of perfidy. Telegraph and Texas Register for September 4, 1844.

Jones to Howard, August 6, 1844. Renewal of war by Mexico. Aid for Texas requested. U. S. Pub. Docs., 449, Doc. 1, p. 25; ibid., 463, Doc. 2, p. 25; Niles's Register, LXVII, 231; Calhoun's Works, V, 357.

Hill to Jones, August 6, 1844. Transmits copy of Woll to Houston, June 19, 1844, and extract from Hays to Hill, July 21, 1844. U. S. Pub. Docs., 449, Doc. 1, p. 27; ibid., 463, Doc. 2, p. 25; Niles's Register, LXVII; Calhoun's Works, V, 358.

Howard to Jones, August 6, 1844. Renewal of hostilities by Mexico. Question of aid to Texas. U. S. Pub. Docs., 449, Doc. 1, p. 28; ibid., 463, Doc. 2, p. 28; Niles's Register, LXVII, 232; Calhoun's Works, V, 361–363.

Howard to Calhoun, August 7, 1844 (confidential). Transmits copy of Jones to Howard, August 6, 1844, with various inclosures. U. S. Pub. Docs., 449, Doc. 1, p. 24; ibid., 463, Doc. 2, p. 24; Niles's Register, LXVII, 231; Calhoun's Works, V, 356.

Van Zandt to Secretary of State [Calhoun], August 10, 1844. The two boys captured by the Indians on Trinity River in Texas. U. S. Pub. Docs., 660, Doc. 14, p. 125.

Calhoun to King, August 12, 1844. Annexation. Attitude of England. U. S. Pub. Docs., 449, Doc. 1, pp. 39–47; ibid., 463, Doc. 2, pp. 38–45; Niles's Register, LXVII, 247–249; Calhoun's Works, V, 379–392; Greely, The Struggle for Slavery, 37–40; copy inclosed with Calhoun to Howard, September 10, 1844.

Calhoun to Van Zandt, August 14, 1844. Transmits copy of proceedings of court of inquiry in case of Captain Cooke and documents giving additional information as to the outrages upon Bourland. Calhoun desires evidence concerning it to lay before Congress. U. S. Pub. Docs., 449, Doc. 1, pp. 109–111; ibid., 463, Doc. 2, pp. 106–108; Calhoun's Works, V, 408–411.

Van Zandt to Calhoun, August 16, 1844. Receipt of Calhoun's note of the 14th instant concerning the trial of Cooke and the attack on Bourland. U. S. Pub. Docs., 449, Doc. 1, p. 111; ibid., 463, Doc. 2, p. 108; Calhoun's Works, V, 412.

[a] See Calhoun to Shannon, September 10, 1844.

[b] Incorrectly printed "Hayes."

Calhoun to Van Zandt, August 17, 1844. Orders asked for in Van Zandt's note of the 16th have been given. U. S. Pub. Docs., 660, Doc. 14, p. 126.

Van Zandt to Calhoun, August 24, 1844. A United States commissioner desired to be present at the council between Texans and Indians on Tehuacana Creek, September 15. U. S. Pub. Docs., 660, Doc. 14, p. 126.

Raymond to Jones, August 28, 1844 [private]. United States commissioner to Indian council to be dispatched. Jones, Memoranda and Official Correspondence, 379.

Raymond to Jones, August 29, 1844 [private]. Arrangements for attendance of a commissioner on the Indian council. United States Government disposed to comply with its pledges of protection to Texas. Prospects of Democratic success. Jones, Memoranda and Official Correspondence, 379–381.

Wilkins to Calhoun, August 29, 1844. Discourages renewed attempt to negotiate with Indians, but will cooperate. Outlines arrangements. U. S. Pub. Docs., 660, Doc. 14, p. 129.

Raymond to Jones, August 31, 1844 [private]. Loan obtained by Mexican Government. Mexican war steamers *Guadalupe* and *Montezuma*. Jones, Memoranda and Official Correspondence, 381.

Thomas to Arbuckle, August 31, 1844. Captain Boone's company of dragoons to be detailed to attend the council with the Indians on Tehuacana Creek. U. S. Pub. Docs., 660, Doc. 14, p. 127; copy inclosed with Wilkins to Calhoun, September 5, 1844.

Crawford to Boone, August 31, 1844. Instructions to Boone as United States commissioner to the council with the Indians on Tehuacana Creek. U. S. Pub. Docs., 660, Doc. 14, p. 128; copy inclosed with Wilkins to Calhoun, September 5, 1844.

Wilkins to Calhoun, September 5, 1844. Transmits order and instructions of Department of War as to Texan council with the Indians. U. S. Pub. Docs., 660, Doc. 14, p. 127; copy inclosed with Calhoun to Van Zandt, September 6, 1844.

Calhoun to Van Zandt, September 6, 1844. Transmits order and instructions by Department of War to Arbuckle and Boone. U. S. Pub. Docs., 660, Doc. 14, p. 129.

Van Zandt to Calhoun, September 9, 1844. Payment will be received for the arms taken from Snively's men. U. S. Pub Docs., 449, Doc 1, p. 112; ibid., 463, Doc. 2, p. 109; Calhoun's Works, V, 413.

Calhoun to Howard, September 10, 1844. Power of Executive to protect Texas limited. Minister in Mexico directed to protest against renewal of war on Texas. Copy of King to Calhoun, August 12, 1844, inclosed. U. S. Pub. Docs., 449, Doc. 1, p. 38; ibid., 463, Doc. 2, p. 50; Niles's Register, LXVII, 234; Calhoun's Works, V, 377–379.

Raymond to Jones, September 13, 1844 [private]. United States Government disposed to protect Texas. Polk's prospects flattering. Jones, Memoranda and Official Correspondence, 382.

Calhoun to Howard, September 13, 1844. Transmits concluding paragraph of Calhoun to Shannon, September 10, 1844. Annual Report of American Historical Association, 1899, II, 612.

Calhoun to Donelson, September 17, 1844. Incloses copy of Calhoun to Howard, September 10, 1844, which Donelson will consider as addressed to himself. Mexican efforts to stir up Indians on Texan frontier. U. S. Pub. Docs., 449, Doc. 1, p. 36; ibid., 463, Doc. 2, p. 36; Niles's Register, LXVII, 234; Calhoun's Works, V, 376.

Thomas to Taylor, September 17, 1844. Taylor to hold himself ready to march under orders of Texan chargé d'affaires to point to be designated either

in United States or in Texas. U. S. Pub. Docs., 449, Doc. 1, p. 37; ibid., 463, Doc. 2, p. 37; Niles's Register, LXVII, 234; copy inclosed with Calhoun to Donelson, September 17, 1844.

Thomas to Arbuckle, September 17, 1844. Arbuckle to hold his troops ready to march in obedience to the order to Taylor of the same date. U. S. Pub. Docs., 449, Doc. 1, p. 38; ibid., 463, Doc. 2, p. 37; Niles's Register, LXVII, 234.

Calhoun to Raymond, September 18, 1844. Congress will be asked for an appropriation to pay for the arms taken from Snively's men. U. S. Pub. Docs., 449, Doc. 1, p. 112; ibid., 463, Doc. 2, p. 109; Calhoun's Works, V, 413.

Shannon to Rejón, October 14, 1844. Protest against renewal of war on Texas, pending annexation. U. S. Pub. Docs., 449, Doc. 1, pp. 47–52; ibid., 463, Doc. 2, pp. 46–50; Niles's Register, LXVII, 234; Telegraph and Texas Register for January 1, 1845; copy inclosed with Donelson to Jones, December 6, 1844.

Shannon to Calhoun, October 28, 1844 (extract). Incloses copy of communication to Rejón, October 14, 1844. U. S. Pub. Docs., 449, Doc. 1, p. 47; ibid., 463, Doc. 2, p. 45; Niles's Register, LXVII, 234.

Rejón to Shannon, October 31, 1844 (translation). Improper interference of United States between Mexico and Texas. Shannon's protest repelled. U. S. Pub. Docs., 463, Doc. 19, pp. 8–16; Niles's Register, LXVII, 260–262; copy inclosed with Donelson to Jones, December 6, 1844.

Shannon to Rejón, November 4, 1844. Demands that Rejón's note of October 31 be withdrawn, as a misrepresentation and as insulting to the United States. U. S. Pub. Docs., 463, Doc. 19, p. 16; Niles's Register, LXVII, 262; copy inclosed with Donelson to Jones, December 6, 1844.

Rejón to Shannon, November 6, 1844 (translation). The Mexican Government is convinced of the necessity of leaving the note of October 31 in the terms in which it was delivered. U. S. Pub. Docs., 463, Doc. 19, pp. 17–19; Niles's Register, LXVII, 262; copy inclosed with Donelson to Jones, December 6, 1844.

Shannon to Rejón, November 8, 1844. Rejoinder to the accusations in Rejón's note of October 31. U. S. Pub. Docs., 463, Doc. 19, pp. 19–27; Niles's Register, LXVII, 263; copy inclosed with Donelson to Jones, December 6, 1844.

Donelson to Calhoun, November 18, 1844 [private]. Feeling of Texans toward annexation. Policy to be pursued in case of Clay's election. Annual Report American Historical Association, 1899, II, 996.

Raymond to Jones, November 26, 1844 [private]. Impulse given to annexation by Polk's success. Possibility of disunion among the Democrats. Jones, Memoranda and Official Correspondence, 406.

Address of Donelson to Jones.[a] Donelson will be regulated by the wish to promote friendly relations between his Government and that of Texas. Telegraph and Texas Register for December 18, 1844.

Reply of Jones to Donelson's address.[b] Common origin and interests of the United States and Texas have led the people of Texas always to desire the most friendly relations between them. Telegraph and Texas Register for December 18, 1844.

Donelson's address to Houston.[c] President of the United States desires to continue cordial relations with Texas. Telegraph and Texas Register for December 18, 1844.

[a] Made on presenting his credentials. Undated, but belonging to the latter part of November or the beginning of December, 1844.

[b] Undated. See the foregoing title.

[c] Made on Donelson's being presented on the same occasion as Donelson's address to Jones mentioned above.

Reply of Houston to Donelson's address.[a] Failure of annexation not due to any lack of effort on the part of Texas. Telegraph and Texas Register for December 18, 1844.

Calhoun to the President of the United States [Tyler], December 2, 1844. Transmits correspondence relative to annexation, disarming of Snively's men, and forcible removal of goods from custom-house on Red River by United States citizens. U. S. Pub. Docs., 449, Doc. 1, p. 19; ibid., 463, Doc. 2, p. 19; Niles's Register, LXVII, 230; Calhoun's Works, V, 321.

Raymond to Jones, December 17, 1844 [private]. Status of the annexation movement. Jones, Memoranda and Official Correspondence, 408.

Donelson to Calhoun, December 26, 1844 [private]. General considerations of policy in dealing with annexation. Annual Report American Historical Association, 1899, II, 1011–1013.

Raymond to Jones, January 1, 1845 [private]. Annexation to be considered in Congress the next week. Jones, Memoranda and Official Correspondence, 417.

Donelson to Jones, January 21, 1845 [private]. Transmitting memorandum of President Houston covering the proposed terms of annexation. Jones, Memoranda and Official Correspondence, 414.

Calhoun to Raymond, January 22, 1845. The two Texan white boys not found among the Wichita Indians. U. S. Pub. Docs., 660, Doc. 14, p. 130.

Donelson to Jones, January 23, 1845 [private]. Status of the annexation question. Jones, Memoranda and Official Correspondence, 418.

Raymond to Calhoun, January 23, 1845. Statistical information concerning Texas. Niles's Register, LXVIII, 4; Telegraph and Texas Register for March 12, 1845.

Donelson to Calhoun, January 27, 1845 [private and unofficial]. Revocation of Green's exequatur. Sentiment in Texan Congress toward annexation. Instructions to Texan collector at mouth of Sabine. Annual Report of American Historical Association, 1899, II, 1019–1022.

Donelson to Calhoun, January 30, 1845 [private]. Attitude of British and French ministers toward annexation. Annual Report American Historical Association, 1899, II, 1023.

Thomas to Arbuckle, February 13, 1845. Arbuckle to endeavor to secure the liberation of the two children of Mrs. Simpson carried off by the Indians, and inquire after the two mentioned in the letter sent him August 10, 1844. U. S. Pub. Docs., 660, Doc. 14, p. 131; copy inclosed with Wilkins to Calhoun, February 18, 1845.

Crawford to Armstrong, February 17, 1845. Transmits copy of order to Arbuckle and other documents. Armstrong to instruct agents to cooperate in securing release of the children. U. S. Pub. Docs., 660, Doc. 14, p. 132; copy inclosed with Wilkins to Calhoun, February 18, 1845.

Wilkins to Calhoun, February 18, 1845. Transmits copy of order to Arbuckle and Armstrong, with accompanying documents. U. S. Pub. Docs., 660, Doc. 14, p. 131; copy inclosed with Calhoun to Raymond, February 20, 1845.

Calhoun to Raymond, February 20, 1845. Transmits copy of documents received from Department of War. U. S. Pub. Docs., 660, Doc. 14, p. 131.

Calhoun to Donelson, March 3, 1845. Transmits joint resolutions for annexation. Offer to be made on the basis of the resolution as it came from the House of Representatives. U. S. Pub. Docs., 480, Doc. 2, pp. 125–127; Niles's Register, LXIX, 281; Calhoun's Works, V, 393–399.

Arbuckle to Adjutant-General [Jones], March 6, 1845. Two children of Mrs. Simpson, of Texas, in captivity among Indians within the United States. Ran-

[a] See note to foregoing title.

som recommended. U. S. Pub. Docs., 660, Doc. 14, p. 133; copy inclosed with Marcy to Buchanan, March 31, 1845.

Almonte to Calhoun, March 6, 1845. Protesting against the annexation of Texas. U. S. Pub. Docs., 480, Doc. 2, p. 130; Niles's Register, LXVIII, 68; Telegraph and Texas Register for April 16, 1845.

Buchanan to Donelson, March 10, 1845. Texan Government to be warned against modifying conditions of annexation. Suggestion of separate propositions as to Texan debt and public lands. U. S. Pub. Docs., 480, Doc. 2, pp. 127–130; Niles's Register, LXIX, 282.

Buchanan to Almonte, March 10, 1845. Too late to discuss annexation. U. S. Pub. Docs., 480, Doc. 2, p. 131; Niles's Register, LXVIII, 117.

Donelson to Buchanan, March 20, 1845. Donelson is expecting instructions relative to annexation. U. S. Pub. Docs., 480, Doc. 2, p. 31.

Donelson to Buchanan, March 24, 1845. Expects instructions through Governor Yell. U. S. Pub. Docs., 480, Doc. 2, p. 31.

Donelson to Buchanan, March 28, 1845. Probable offer of England and France to guarantee recognition of Texan independence by Mexico if Texas rejects annexation. U. S. Pub. Docs., 480, Doc. 2, p. 32.

Marcy to Buchanan, March 31, 1845. Transmits extract of report of Arbuckle concerning two captive white children. U. S. Pub. Docs., 660, Doc. 14, p. 132.

Donelson to Allen, March 31, 1845. Transmits joint resolution for annexation with certain explanations. U. S. Pub. Docs., 480, Doc. 2, pp. 34–37; Niles's Register, LXVIII, 316; Telegraph and Texas Register for June 25, 1845.

Donelson to Buchanan, April 1, 1845 [extract]. Call of the Texan Congress under consideration. U. S. Pub. Docs., 480, Doc. 2, pp. 32–34.

Donelson to Buchanan, April 3, 1845 [extract]. Prospect of favorable action by Texas not altogether good. U. S. Pub. Docs., 480, Doc. 2, p. 38.

Donelson to Buchanan, April 12, 1845 [extract]. Texan Congress called to meet June 16. Jones not seeking to thwart policy of the United States. U. S. Pub. Docs., 480, Doc. 2, p. 39.

Allen to Donelson, April 14, 1845. Receipt of Donelson's note of March 31. The President will convene Congress at an early date. U. S. Pub. Docs., 480, Doc. 2, p. 40; Niles's Register, LXVIII, 316; Telegraph and Texas Register for July 2, 1845; copy inclosed with Donelson to Buchanan, April 16, 1845.

Donelson to Allen, April 16, 1845. Receipt of Allen's note of April 14. U. S. Pub. Docs., 480, Doc. 2, p. 43; Niles's Register, LXVIII, 316; Telegraph and Texas Register for July 2, 1845; copy inclosed with Donelson to Buchanan, April 16, 1845.

Donelson to Buchanan, April 16, 1845. Incloses copy of Allen to Donelson, April 14, 1845, and proclamation of Jones, calling a special session. U. S. Pub. Docs., 480, Doc. 2, p. 39.

Donelson to Buchanan, April 16, 1845. No room to doubt favorable action by Texan Congress and the people. U. S. Pub. Docs., 480, Doc. 2, p. 42.

Donelson to Allen, April 16, 1845. Receipt of Allen's note of the 14th. U. S. Pub. Docs., 480, Doc. 2, p. 43; copy inclosed with Donelson to Buchanan, April 16, 1845.

Donelson to Calhoun, April 24, 1845 [private]. Prospect of annexation on the basis of the first and second sections of the joint resolution. Houston's opposition. Annual Report American Historical Association, 1899, II, 1029–1032.

Shaw to Dashiell, April 26, 1845. Collection of tonnage duties on the river Sabine. U. S. Pub. Docs., 480, Doc. 2, p. 44.

Buchanan to Donelson, April 25, 1845 [extracts]. Rumor that Smith has been sent to reopen negotiations for annexation in Washington. President would not consent. Immediate action by Texan executive urged. U. S. Pub. Docs., 480, Doc. 2, p. 132.

Donelson to Jones, April 29, 1845 [private]. Suggestion of call of a convention of the people of Texas to act on annexation. Jones, Memoranda and Official Correspondence, 453–455.

Raymond to Buchanan, April 30, 1845. Transmits memorandum concerning two children stolen from Mrs. Simpson by the Comanches. U. S. Pub. Docs., 660, Doc. 14, p. 134.

Donelson to Jones, May 2, 1845 [private]. Donelson offers to apply for United States troops as soon as Texan Congress accepts terms of annexation. Jones, Memoranda and Official Correspondence, 457.

Allen to Jones, May 3, 1845 [private]. Transmits copy of note addressed by Allen to Donelson, relative to protection of Texan frontier by the United States. Jones, Memoranda and Official Correspondence, 458.

Allen to Jones, May 4, 1845 [private]. Desirability of a convention of the people of Texas to pass on annexation. Jones, Memoranda and Official Correspondence, 459–461.

Donelson to Jones, May 5, 1845 [private]. Reasons for delaying the call of a convention. Jones, Memoranda and Official Correspondence, 461.

Donelson to Buchanan, May 6, 1845. Annexation assured so far as Texas is concerned. Disposition of United States troops for protection of Texas. U. S. Pub. Docs., 480, Doc. 2, p. 43.

Donelson to Buchanan, May 11, 1845. A British squadron bound for Havana. Disposition of the United States troops in Texas. U. S. Pub. Docs., 480, Doc. 2, p. 45.

Allen to Donelson, May 19, 1845. Would United States protect Texas in case acceptance of terms of annexation should induce Mexico to open hostilities? U. S. Pub. Docs., 480, Doc. 2, p. 48; Niles's Register, LXVIII, 317; Telegraph and Texas Register for July 2, 1845; copy inclosed with Donelson to Buchanan, May 24, 1845.

De Cyprey to Jones, May 20, 1845 [translation]. Agreement of Mexico to preliminary articles of treaty of peace with Texas. U. S. Pub. Docs., 480, Doc. 2, p. 70; Niles's Register, LXVIII, 315; Telegraph and Texas Register for July 2, 1845; copy inclosed with Donelson to Buchanan, June 23, 1845.

Donelson to Buchanan, May 22, 1845. Animus of the English mediation. U. S. Pub. Docs., 480, Doc. 2, p. 46.

Buchanan to Donelson, May 23, 1845. As soon as the existing Government of Texas and the convention has accepted terms of annexation, the President will use the army to protect her. Three thousand troops will be placed on the border immediately to be ready to enter Texas. U. S. Pub. Docs., 480, Doc. 2, p. 133.

Donelson to Allen, May 24, 1845. Donelson has no doubt United States will afford protection to Texas if Mexico should attempt an invasion. U. S. Pub. Docs., 480, Doc. 2, p. 49; Niles's Register, LXVIII, 317; Telegraph and Texas Register for July 2, 1845; copy inclosed with Donelson to Buchanan, May 24, 1845.

Donelson to Buchanan, May 24, 1845. Incloses Allen to Donelson, May 19, and Donelson to Allen, May 24, and proclamation of President Jones, May 5. Progress of annexation. Movements of Captain Stockton. U. S. Pub. Docs., 480, Doc. 2, pp. 46–48.

Donelson to Jones, June 1, 1845. Transmits a reply to Allen's note concerning protection for Texas. Jones, Memoranda and Official Correspondence, 465.

Donelson to Buchanan, June 2, 1845. Elliot's work in obtaining preliminary articles of treaty between Mexico and Texas. Movements of Captain Stockton. Use of Texan troops to repel possible Mexican attack. U. S. Pub. Docs., 480, Doc. 2, p. 52.

Buchanan to Donelson, June 3, 1845. United States should avoid interference with action of Texas on annexation or acts of hostility toward Mexico unless in self-defense. U. S. Pub. Docs., 480, Doc. 2, p. 134.

Donelson to Buchanan, June 4, 1845. Policy of the United States in case Mexico takes possession of the country between the Nueces and the Rio Grande. U. S. Pub. Docs., 480, Doc. 2, p. 54.

Allen to Jones, June 5, 1845 [private]. No danger of an attack from Mexico until terms she offers have been definitely rejected. Policy of Texas should, for the present, be peaceful. Jones, Memoranda and Official Correspondence, 466–468.

Jones to de Cyprey, June 6, 1845. Receipt of de Cyprey's letter of May 20. Jones transmits copy of his proclamation of June 4. Congress of Texas will meet June 16 and convention July 4 to consider annexation. U. S. Pub. Docs., 480, Doc. 2, p. 73; Niles's Register, LXVIII, 316; Telegraph and Texas Register for July 2, 1845.

Donelson to Allen, June 11, 1845. After Texas has accepted annexation the President considers it his right and duty to protect Texas. Attitude of France and England. U. S. Pub. Docs., 480, Doc. 2, pp. 56–61; Niles's Register, LXVIII, 317; Telegraph and Texas Register for July 2, 1845; copy inclosed with Donelson to Buchanan, June 13, 1845.

Donelson to Buchanan, June 11, 1845. Preliminary articles of the negotiation between Texas and Mexico to be submitted to the Congress and convention of Texas. Reported increase of Mexican troops on the Rio Grande. U. S. Pub. Docs., 480, Doc. 2, p. 55.

Donelson to Buchanan, June 13, 1845. Transmits copy of Donelson to Allen, June 11, 1845. U. S. Pub. Docs., 480, Doc. 2, p. 56.

Donelson to Allen, June 13, 1845. Urges prompt acceptance of terms of annexation. U. S. Pub. Docs., 480, Doc. 2, pp. 65–70; Niles's Register, LXVIII, 318; Telegraph and Texas Register for July 9, 1845; printed copy transmitted with Donelson to Buchanan, June 19, 1845.

Buchanan to Donelson, June 15, 1845. Attitude of United States Government in case of Mexican invasion. Elliot's conduct. U. S. Pub. Docs., 480, Doc. 2, pp. 134–137.

Donelson to Buchanan, June 19, 1845. Incloses copy of President Jones's message to Congress with accompanying documents. The joint resolution will be almost unanimously accepted. U. S. Pub. Docs., 480, Doc. 2, p. 61.

Raymond to Jones, June 21, 1845 [private]. Charge against Jones and Houston of opposition to annexation. Jones, Memoranda and Official Correspondence, 472.

Donelson to Stockton, June 22, 1845. Stockton to make no aggressive movement until Mexico shall act so as to require it. U. S. Pub. Docs., 480, Doc. 2, p. 77; copy inclosed with Donelson to Buchanan, June 23, 1845.

Donelson to Buchanan, June 23, 1845. Transmits copy of Allen to Donelson, June 23, 1845, and the reply, on the same date. Vote of Texan Congress in favor of annexation unanimous. Disposition of United States troops for defense of Texas. Responsibility for war should be thrown on Mexico. Printed copy of rejected treaty inclosed. U. S. Pub. Docs., 480, Doc. 2, pp. 73–75.

Allen to Donelson, June 23, 1845. Transmits joint resolution of Texan Congress accepting terms of annexation. U. S. Pub. Docs., 480, Doc. 2, p. 75; Niles's Register, LXVIII, 319; copy inclosed with Donelson to Buchanan, June 23, 1845.

Donelson to Allen, June 23, 1845. Receipt of Allen's note of the same date, containing copy of joint resolution of Texan Congress. U. S. Pub. Docs., 480, Doc. 2, p. 77; Niles's Register, LXVIII, 319; copy inclosed with Donelson to Buchanan, June 23, 1845.

Allen to Donelson, June 23, 1845. Transmits joint resolution of Texan Congress "tendering to General Andrew Jackson the tribute of a nation's gratitude." Telegraph and Texas Register for July 9, 1845.

Donelson to Allen, June 23, 1845. Receipt of Allen's note of the same date, transmitting the joint resolution of the Texan Congress concerning General Andrew Jackson. Telegraph and Texas Register for July 9, 1845.

Allen to Donelson, June 26, 1845. Location of United States troops in Texas. U. S. Pub. Docs., 480, Doc. 2, pp. 79–81; copy inclosed with Donelson to Buchanan, July 2, 1845.

Allen to Donelson, June 28, 1845. Pay of Texan troops. U. S. Pub. Docs., 480, Doc. 2, p. 81; copy inclosed with Donelson to Buchanan, July 2, 1845.

Donelson to Taylor, June 28, 1845. Taylor should move his force immediately to the western frontier of Texas, the dragoons to San Antonio, the infantry to Corpus Christi. Should not take the offensive against Mexico without orders from United States Government. U. S. Pub. Docs., 480, Doc. 2, p. 93.

Donelson to Allen, June 30, 1845. Taylor ordered to occupy San Antonio and Corpus Christi. Donelson can not promise, but thinks United States will pay Texas Militia called out for frontier defense. U. S. Pub. Docs., 480, Doc. 2, pp. 82–84; copy inclosed with Donelson to Buchanan, July 2, 1845.

Allen to Jones, July 2, 1845 [private]. Donelson has received dispatch from Buchanan indicating great excitement on part of people and Cabinet in the United States. Jones, Memoranda and Official Correspondence, 476.

Donelson to Buchanan, July 2, 1845. Position of United States troops in Texas. U. S. Pub. Docs., 480, Doc. 2, p. 78.

Donelson to Buchanan, July 2, 1845. Texan boundary question. U. S. Pub. Docs., 480, Doc. 2, p. 79.

Rusk to Donelson, July 5, 1845. Transmits copy of ordinance of annexation. U. S. Pub. Docs., 480, Doc. 2, p. 85; Niles's Register, LXVIII, 344.

Donelson to Rusk, July 6, 1845. Receipt of copy of annexation ordinance. From its date Texas has a right to the protection of the United States. U. S. Pub. Docs., 480, Doc. 2, p. 87; Niles's Register, LXVIII, 344.

Donelson to Buchanan, July 6, 1845. Incloses copy of ordinance of convention accepting annexation. U. S. Pub. Docs., 480, Doc. 2, p. 84.

Rusk to Donelson, July 7, 1845. Transmits resolution of Texan convention adopted July 7, asking that troops be posted on the frontier of Texas. U. S. Pub. Docs., 480, Doc. 2, p. 88; Niles's Register, LXVIII, 344.

Donelson to Buchanan, July 7, 1845. Transmits Rusk to Donelson, July 7, 1845. U. S. Pub. Docs., 480, Doc. 2, p. 88.

Donelson to Taylor, July 7, 1845. Transmits news of acceptance of terms of annexation by Texas. Taylor's westward movement. U. S. Pub. Docs., 480, Doc. 2, p. 94.

Donelson to Buchanan, July 11, 1845. Policy of maintaining the Texan claim to the Rio Grande boundary. U. S. Pub. Docs., 480, Doc. 2, pp. 88–92.

Donelson to Allen, July 16, 1845. Donelson has just returned from Austin, where he was given a copy of the ordinance of the convention, accepting annex-

ation. He goes to Galveston to be in touch with the army. U. S. Pub. Docs., 480, Doc. 2, p. 95; copy inclosed with Donelson to Buchanan, July 22, 1845.

Donelson to Buchanan, July 22, 1845. Transmits copies of Donelson to Taylor, June 28 and July 7, and of Donelson to Allen, July 16. U. S. Pub. Docs., 480, Doc. 2, p. 92.

Donelson to Taylor, July 24, 1845. Donelson will wait at Galveston to have an interview with Taylor as to movements of troops. U. S. Pub. Docs., 480, Doc. 2, p. 97; copy inclosed with Donelson to Buchanan, July 24, 1845.

Donelson to Buchanan, July 24, 1845. Transmits copy of Donelson to Taylor, July 24, 1845. U. S. Pub. Docs., 480, Doc. 2, p. 96.

Buchanan to Donelson, July 28, 1845. Donelson's conduct throughout his mission approved by the President. U. S. Pub. Docs., 480, Doc. 2, p. 137.

Allen to Donelson, July 28, 1845. Donelson's work in promoting annexation. Attitude of Great Britain and France. U. S. Pub. Docs., 480, Doc. 2, p. 100; copy inclosed with Donelson to Buchanan, August 14, 1845, concerning relations with England and France.

Donelson to Allen, August 5, 1845. Location of troops in Texas. U. S. Pub. Docs., 480, Doc. 2, p. 98; copy inclosed with Donelson to Buchanan, August 14, 1845, concerning Taylor's movements.

Donelson to Allen, August 14, 1845. Reviews history of annexation. Efforts of other nations to defeat it improper. U. S. Pub. Docs., 480, Doc. 2, pp. 101–103; copy inclosed with Donelson to Buchanan, August 14, 1845, concerning relations with England and France.

Donelson to Allen, August 14, 1845. Forwards certain documents. U. S. Pub. Docs., 480, Doc. 2, p. 104; copy transmitted with Donelson to Buchanan, August 14, 1845, concerning relations with England and France.

Donelson to Buchanan, August 14, 1845. Movements of General Taylor. U. S. Pub. Docs., 480, Doc. 2, p. 97.

Donelson to Buchanan, August 14, 1845. Relations with England and France. U. S. Pub. Docs., 480, Doc. 2, p. 99.

Raymond to Polk, August 28, 1845. Transmits an authenticated copy of the Texan constitution. U. S. Pub. Docs., 480, Doc. 2, p. 104.

Lee to Jones, September 6, 1845 [private]. Doubt as to the recognition of a chargé from Texas. Jones, Memoranda and Official Correspondence, 485–490.

Lee to Jones, September 8, 1845 [private]. Reasons of President Polk for declining to receive a diplomatic agent from Texas. Jones, Memoranda and Official Correspondence, 490–492.

Lee to Jones, October 20, 1845 [private]. Attitude of the United States Government toward Texas unchanged. Questions concerning the completion of the process of annexation. Aspirations of Walker. Jones, Memoranda and Official Correspondence, 497–500.

Jones to Polk, November 10, 1845. Transmits copy of the constitution of Texas with proper evidence of its adoption. U. S. Pub. Docs., 482, Doc. 16, p. 1.

Allen to Jones, November 14, 1845 [private]. Receipt of Daingerfield's dispatch detained by Buchanan at Washington. Jones, Memoranda and Official Correspondence, 505.

CORRESPONDENCE HITHERTO UNPUBLISHED.

Forsyth to Castillo y Lanzas.[a]

Commission of Austin, Archer, and Wharton.[b]

In the name of the People of Texas
Sovereign and free
To whomsoever these presents shall come be it known

That I, Henry Smith[c] Governor of Texas by virtue of the authority of the chosen delegates of all Texas in consultation in general Convention assembled, appointing Stephen F. Austin, Branch T. Archer[d] and William H. Wharton[e] as agents on the part of the People of Texas to the United States of North America for general purposes Now be it known, that by virtue of the several ordinances and decrees passed by the Legislative Council of Texas with all due formalities and confirmation, creating and requiring the contracting of a loan in the United States of the North to the amount of One Million of Dollars to be applied and appropriated to the benefit and use of the Government of Texas. Therefore, in conformity with the superior order of the Convention, and by virtue of the authority vested in me by the ordinances and decrees of the Legislative Council of Texas, I, Henry Smith Governor as aforesaid, do, By the authority and in the name of the People of Texas vest in the said agents Stephen F Austin, Branch T. Archer and William H. Wharton full power and ample authority to contract and stipulate for the above Loan of One Million of Dollars and as security for the payment of the same to pledge the faith of the

[a] October 22, 1835. See Jones to Bee, January 21, 1839.

[b] D. S., in the Austin Papers. November 12, 1835, the Consultation at San Felipe elected the three men to whom this commission was given to act as agents for Texas in the United States under the title of commissioners. See Gammel, *Laws of Texas*, I., 534.

[c] A native of Kentucky, who went in early life to Missouri and thence in 1821 to Texas; member of the Convention of 1833; acting political chief of the Department of the Brazos, 1834; member of the Consultation of 1835; provisional governor, 1835–1836; beaten by Sam Houston for the presidency of the Republic, 1836; secretary of the treasury of the Republic, 1836–1838; emigrated to California, 1840; died in 1853.

[d] A native of Virginia, who came to Texas in 1831; representative from Brazoria in the Convention of 1833; president of the Consultation, 1835; commissioner to the United States, 1835–1836; secretary of war of the Republic, 1840–1841; died in 1856.

[e] Born in Virginia; lived for a while at Nashville, Tenn., whence he came to Texas in 1829; chosen to carry petitions of Convention of 1832 to Mexico, but did not go; president of the Convention of 1833; commissioner to the United States, 1835–1836; chargé d'affaires (not formally received) of Texas at Washington, 1836–1837; state senator from Brazoria, 1838–1839; died in 1839.

Country, and if necessary to hypothecate the Public Lands of Texas. And under them to appoint other agents for special purposes at will, and again at pleasure to revoke. And to do and perform generally, all other act or acts, contemplated by and of right pertaining to their mission as general agents of the People of Texas.

All contracts and stipulations entered into by the said agents by virtue of the authority herein vested as agents on the part of the People of Texas, shall on the part of this Government be recognised ratified, confirmed, and be performed in good faith

In testimony of which I, Henry Smith Governor as afore-
Seal said have signed the same and affixed thereto my private seal, there being no seal of office yet provided.

Done in the Town of San Felipe de Austin on the seventh day of December in the Year of our Lord One thousand Eight hundred and thirty five.

HENRY SMITH
Governor

CHAS B STEWART
Secretary of Executive

SMITH TO AUSTIN, ARCHER, AND WHARTON.[a]

To the Honorable, the Agents of the People of Texas STEPHEN F. AUSTIN, BRANCH T. ARCHER AND WILLIAM H. WHARTON Esqrs Gentlemen

The following will be handed you as your private instructions on the part of the Government of Texas.

You will proceed direct to the United States of the North with the least possible delay and enter the same by way of New Orleans. Your first object there, will be to procure and fit out from that or any other city the contemplated armed vessel[s], calculated for the protection of our commerce and Sea Coast. They should be well officered and manned and provided for, from four to six months cruise. They should be directed to proceed direct to Galveston Bay or Brasos, report to the authorities, receive commission, with orders for their government

2d To see that the necessary arrangements are made for the procuration of provision, arms, and munitions of war and that they meet with safe despatch.

3. If Thomas F. McKenney should fail to contract a Loan of One Hundred thousand Dollars in the City of New Orleans, or elsewhere, as he has been commissioned to do, you will, if possible, proceed to effect it for the immediate use of the Government on the best terms

[a] L. S., in Austin Papers.

that you can, and arrange, if necessary, that it be refunded from the first permanent loan made for this Government.

4 You will receive all monies proffer[e]d as donations, and all contracted for as loans and deposit them in the Banks contemplated by law, and have the same entered to the Credit of the Government of Texas, and subject alone to its orders—which orders or checks shall be drawn in favour of the Treasurer, signed by the President of the Council and attested by his secretary and also approved by the Governor and attested by his Secretary. Checks to some extent might be negociated here through our Merchants and endorsed in their favour. You will also receive donations of every description, tendered by the patriotic; and forward them as circumstances may direct, with advices of the same. Finally, You will proceed to the City of Washington, with all convenient speed endeavouring at all points to enlist the sympathies of the free and enlightened people of the United States in our favour by explaining to them our true political situation and the causes which impelled us to take up arms; and the critical situation in which we now stand. You will approach the authorities of our Mother Country, either by yourselves, or confidential friends; and ascertain the feelings of the Government towards Texas, in her present attitude. Whether any interposition on the part of that Government in our favour can be expected, or whether in their opinion, any ulterior move on our part would to them, be more commendable and be calculated to render us more worthy of their favour, or whether by any fair and honorable means, Texas can become a member of that Republic. If not, if we declare Independence, whether that Government would immediately recognise and respect as an independent People Receive us allies, and form with us a treaty of Amity both offensive and defensive. If all should fail on the part of the Government, or a refusal to intermeddle in our difficulty, You will immediately notify this Government whether good or bad, of your success, and govern yourselves accordingly On the failure of success with the Government, you will redouble your energies in arousing the sympathies of the Patriotic citizens of the North to rally to our assistance. You will correspond with this Government regularly and keep it advised of all the movements you make connected with your mission. You will appoint in New Orleans a faithfull agent to attend to the prompt forwarding of your letters. You will write in duplicate and order one to be forwarded by the Land Mail by way of Fort Jessup and the other by water, or if circumstances should require by different mails by land. You will use the following address, To his Excellency [Henry]Smith, Governor of Texas, Seat of Government—Texas, or if any change should be necessary you will be notified. Your letters from this Government will be put under the proper address directed to the City of Washington

United States where you will have an agent to forward them to any point which you may please to direct. A majority of You will consult and concur in all important matters relative to your mission. You will receive from this Government advices from time to time. respecting your duties as agents in their behalf.

You will be expected to remain there until recalled or until circumstances shall direct your return to the bosom of your fellow citizens.

San Felipe de Austin
8th Decr. 1835

With sentiments of the highest respect and consideration
I am Gentlemen Your Obt Servant
Henry Smith
Governor

Charles B. Stewart
Secretary of Executive

Smith to Austin, Archer, and Wharton.[a]

Executive Depart
of Texas

To the Honorable
The Agents of the People
of Texas Stephen F Austin Branch T. Archer William H Wharton Esqrs

Gentlemen

The honl. President and Members of the General Council request me, by a resolution of their body, to instruct you as follows—viz

That you will not furnish any out fit to Mexicans who pretend to be our friends. Such as Mexia and others; who profess to belong to the liberal party, but leave that matter for the Government here to judge, whose duty it is, and who will be governed by their acts and not by their promises.[b] And I farther have to request of you that all your correspondence as Agents will be addressed as you have previously been instructed and not directed to the council. You will have agents in all the principal cities to correspond with us through you.

I am
Gentlemen Your Obt St

San Felipe de Austin
Decr 17, 1835

The Council requests you appoint agent[s] in all the principal cities to correspond with this Govt. at least once a month. This

[a] In the Austin Papers. The latter part, beginning with the words, "You will have agents," is in Smith's hand and the letter is signed by him.

[b] See *Quarterly of the Texas State Historical Association*, V., 297–305.

however, I consider you will have managed through yourselves, or as you may direct.

I am

Gentlemen, respectfully

Your Obst [a]

HENRY SMITH
Governor

AUSTIN, ARCHER, AND WHARTON TO SMITH.[b]

NEW ORLEANS *Jany 10th 1836*

DEAR FRIEND.

We have placed Capt Jeremiah Brown [c] in command of the arm'd Schooner Liberty.

His known experience as a seaman, his devotion to our cause;—and above all, his previous services, by the introduction of emigrants to the country;—recommend him, to our highest favour

Permit me to add, that every thing here promises well.

Accept my best wishes, for yourself and our common country.

Your Friend and Svt.

B. T. ARCHER
WM H. WHARTON
S. F. AUSTIN

To his Excellency, H. SMITH.

AUSTIN, ARCHER, AND WHARTON TO SMITH.[d]

NEW ORLEANS *January 10, 1836*

To his excey. HENRY SMITH
Govr. of Texas

SIR,

We have succeeded in effecting a loan in this city of two hundred and fifty thousand dollars for Texas on the terms as contained in a copy of the contract herewith enclosed.[e]

[a] Obedient servant.

[b] Draft in Archer's handwriting; signatures original; endorsed on back, with address, "F[avor] Capt. J. Brown."

[c] Apparently the "Jerry Brown" who was concerned in the disturbances of 1832 as captain of the Sabine (see *Quarterly of the Texas State Historical Association,* IV, 34, 41); captain of the Invincible when it captured the Pocket (see *Texas Almanac* for 1860, p. 162); collector of customs at Velasco, 1837.

[d] Draft in Austin's handwriting; signatures original.

[e] The commissioners had, in fact, negotiated two loans, one for two hundred thousand dollars, and the other for fifty thousand. (See Commissioners to Governor Henry Smith, January 20, 1836.) One printed and two manuscript copies of the contract for the two hundred thousand dollar loan are in the Texas State Library in the files relating to "Financial affairs;" and a manuscript copy of that for the fifty thousand dollar loan is in the Comptroller's Department, file "relating to the $50,000 loan." For details of the history of these loans, see account of Eugene C. Barker, in *Political Science Quarterly,* XIX, 612–635.

Some of the best informed persons of this place confidently assert that this loan insures the triumph of our cause and the independence of Texas. That in New Orleans, so near us, and so well acquainted with our situation, confidence enough should exist in us to induce a loan, speaks volumes in our favor and will give confidence every where else. The stock in this loan will soon be in the hands of hundreds of capitalists who will feel as much interest in Texas and exert themselves as much for it, as those of us, who have long lived there. To prove this the lenders have offered to land in Texas within six weeks five hundred men officered, armed, and equipped to serve during the war on the terms of the military laws of the provisional government and convention, and after the war to receive pay for the costs of their arms and outfit with interest in the mean time at 8 pr. cent on the amount (with the option of being paid on the basis of this loan as an addition to it) from their arrival in Texas. This is the true way to obtain troops To undertake to receive them here, and pay their way to Texas is now imposible—We have not the means, and it is an open violation of the laws of this country, than which nothing could more effectually injure our cause. Let volunteers not be recognised untill they have presented themselves to the governor or commander in chief. A sufficient number will do this at their own expense. A man must have lived to little advantage, and will not be of much force when he joins us, if he be not able to spend thirty or forty dollars to get to Texas, especially when he will be paid for gun, horse etc. on his arrival.

All grants of land or certificates of citizenship or reception hereafter to those who are not now in Texas or who have not already acquired rights should be made with a special reservation of the priority of location stipulated for the four hundred thousand acres contracted away by this loan, and it should be so published and mentioned in the certificate that no body be deceived. Disposing of our land at fifty cents pr. acre for the purpose of getting money so particularly indispensable at this moment, appears to us very fortunate In fact rather than have missed the loan, we had better borrowed the money for five years and given them the lands in the bargain.

We are of the opinion that in the next convention a stop should be put to granting league and quarter league tracts to all who come after that date, for otherwise the country will be taken up entirely before we have volunteers enough, and besides the pay and rations of the United States with a premium of six hundred and forty acres, will induce just as many to come We respectfully suggest this, as what we would endeavor to do were we of the next convention

The information from Mexico reed. here is, that the leading men of the federal party have united with Santana to invade Texas; consequently the position taken by the declaration of 7 November in

favor of the republican principles of the constitution of 1824[a] can no longer do any good, the object of that declaration having been to extend light and liberty over Mexico, and thus secure the cooperation of the liberal party. On the other hand, mentioning the federal constitution in that declaration has done us an injury in this country and would ruin us if it were not confidently expected and believed that a new convention would soon meet, and make an absolute declaration.

In expressing this opinion we are influenced by the information now before us; and we do not in any manner blame the convention for making such declaration. All of *us* concurred in the propriety of it at that time and believed the convention had no power to make any other, in as much as a declaration of independence was not contemplated when they were elected. All we say is that a bolder declaration was expected here, and we have already ascertained since our arrival here that we would have been sustained in it with more sympathy, zeal, and efficiency.[b]

We hope to be at home in March, and can then give more specific information on the subject.

Respectfully your
obt. serts

S. F. Austin
Wm. H. Wharton
B. T. Archer

Austin and Archer to Owings.[c]

Austin and Archer to Smith.[d]

New Orleans *January 20. 1836.*

To His Excellency
Governor Henry Smith

Sir,

We forwarded to you by Capt. Brown of Nacogdoches, a copy of the contract for the loan of two hundred thousand dollars, negociated

[a] Journals of the Consultation held at San Felipe de Austin, October 16, 1855, p. 18.

[b] There are in the files of the diplomatic correspondence two drafts of a flag for an independent republic, one prepared by Austin himself, and the other a modification of the same design recommended by the three commissioners for adoption by the government of Texas. There is no means of fixing accurately the dates of the drafts, but they were probably executed in New Orleans soon after this letter was written. (See *Quarterly of the Texas State Historical Association,* III, 170–176.)

[c] January 18, 1836. See Austin and Archer to Smith, January 20, 1836.

[d] With the autograph signatures of Austin and Archer, but not signed by Wharton, who had left New Orleans January 17.

by us, with Robert Triplett[a] and others, and we now forward two more copies thereof printed, with a list of the numbers of the Scrip taken by each stockholder, also six copies of the Scrip, which will fully inform the Government of every particular relative to this transaction.

We also enclose a certified copy of the contract for a second loan, made by J Erwin[b] and others, and copies of the scrip issued in this loan.

By the conditions of these loans, they are to be ratified by the Convention, the instalments on the first loan, are not to be paid until after such ratification is published by the Government Agent in this City, in conformity with the 11th Article. The faith of the Country is pledged for their ratification, and in the last loan, we the Commissioners have pledged our individual property and estates for such ratification. Any failure or delay in ratifying these loans will totally ruin the credit of Texas.

The market price of land is now fixed at half a dollar per acre, and we are of the opinion that no more land should be disposed of, in future, by the Government, at less than one dollar, or one and a quarter, as the minimum.

We have appointed Mr. William Bryan the General Agent of the Government in this City, and Edward Hall purchasing Agent. Copies of their appointments are enclosed.

Mr. Bryan has accepted for the Government, to a considerable amount, as will appear by his account, at four and six months, in anticipation of the instalments which are to be paid on the first loan, you will therefore perceive, at once, the great importance of dispatch in ratifying that loan, and having the corresponding notice given, so that the instalments may become due, as soon as possible; for should the funds not be provided to pay Bryan's acceptances, or they should lay over, or be protested, it would ruin the cause of our Country.

Enclosed is an account of the receipts and disbursements which have passed through our hands, by which you will perceive the sums paid to the Quarter Master, A. Huston, the Adjutant General J A. Wharton,[c] and to Capt. Jerry Brown and purser Wells of the Schooner Liberty.

A considerable portion of the purchases were made by some of these officers, without the intervention of the General Agent, which has caused some confusion in the manner of doing the business. To avoid

[a] Of Yellow Banks, Kentucky. Triplett was agent for the government of Texas later in 1836.

[b] J. Irwin, of Lexington, Kentucky.

[c] Brother of William H. Wharton. He came to Texas in 1833; was a member of the Consultation, 1835; secretary of war under President Burnet, 1836; member of Congress from Brazoria, 1838.

a recurrence of similar things in future, it would, perhaps be best, that all the purchases and business of the Government relative to expenditures in this City be done through the General Agent.

The Schooner Liberty has been expensive, an examination into her accounts may be necessary. A very rigid scrutiny and examination into the accounts of public agents is indispensably necessary, and a strict accountability should be established. If this is not done in the commencement of our financial opérations, carelessness, confusion and waste, and perhaps fraud, will creep into the Treasury Department, which will totally destroy all confidence and credit, and ruin our Cause.

We have purchased the Schooner "Ingham" (late Revenue cutter) and she is fitting out by the Genl. Agent, under the Superintendance of Captain Hawkins, who is to command her.

Our colleague, W H. Wharton left on the 17th for Nashville, we have been detained to close the second loan, and complete the other business, but expect to leave to-morrow.

By the last accounts from the Mexican ports, it appears that active preparations are making to invade Texas by sea and land. Several heavy armed vessels are fitting out at Campeachy and Vera Cruz. General Santa Anna, was daily expected at Matamoros, etc.

We have authorized Col. Thos. D. Owings to raise, arm and equip a body of volunteers for the service of Texas, not to exceed fifteen hundred men, to be in Texas by March next. The expenses of arming, equipping and transporting, are to be refunded after the close of the War.

We have requested him to correspond with you on the subject,[a] and enclose you a copy of our letter to him. We have introduced him to the Genl. agent Wm Bryan with whom he will correspond.

We recommend that you keep the genl. agent informed regularly every week, of everything calculated to promote our cause, that he may publish it.

Respectfully your obt servts,

S. F. Austin
B. T. Archer

New Orleans *January 18, 1836*

Col. T. D. Owings *late Col of 28th U. S. infantry*

Sir

Your offer to furnish one or more Regiments not to exceed fifteen hundred men in all, to be in Texas by March next, armed and equipped for the service of Texas, in the struggle in which she is at present

[a] From this point to the end the handwriting is Austin's.

engaged, with the Military and Unconstitutional Government of Mexico, is thankfully received.

Our cause is that of Liberty, Religious toleration and Freedom of Conscience against Usurpation, Despotism, and the Unnatural and Unholy Monopolies of the Church of Rome. We wish to extend the blessings of Civil Liberty over one of the fairest portions of this Continent, and to offer a home upon its fertile soil, to the pious and Industrious of all Religious Denominations. In doing this, we invade no right appertaining to Mexico, we violate no duty, on the contrary, *Right* and *Justice* and *Duty* loudly call upon us to resist Oppression and defend ourselves—they call upon the noble, the liberal, the pious and the free to fly to our aid, and assist in planting the Standards of Independence and of Freedom in Texas.

Your offer is accepted. The Regiment or Regiments of volunteers, which you propose to raise, will be received into the service of Texas, on the terms and conditions, enacted by the Provisional Government of Texas, by their ordinance of 5th December last,[a] and other laws and obligations now in force on the subject. The expense of arming and equipping said force, so far as it is done by you, will be refunded to you by the Provisional Government, at the close of the War, or as soon as the finances of the Country will permit: Said arms and equipment to be furnished to the Government at a fair valuation. Ammunition and provisions furnished by you for said force, will also be put on the same footing as the arms and equipments. The accounts to be duly audited and substantiated by the proper vouchers. A reasonable allowance will also be paid for the transportation of said Regiment or Regiments to Texas.

On your arrival there you will report yourself to the Governor of Texas, or the Commander in Chief of the Army, in conformity with said ordinance of 5th December, after which yourself and troops will be considered as having formally entered into the service of Texas, and their pay and rations commence from that time.

It is understood that the above mentioned force of volunteers are to be received, although the number should not amount to fifteen hundred men, it is however, not to exceed that number, and they are to be in Texas by the month of March next.

The Bounty lands of the Volunteers, are to be located under the direction of the Government, and no claims or rights existing, or for which the Government of Texas may be compromitted, at the time of receiving said volunteers, are to be interfered with.

S. F. Austin
B. T. Archer

[a] Passed by Council December 5, and approved by Governor Smith December 8. See Gammel, *Laws of Texas*, I, 951–954.

Address Col Owings at Owingsville Bath County Kentucky—he wishes the earliest information possible relative to the affairs of Texas, and whether men will be needed immediately.[a]

[Copy.[b]]

NEW ORLEANS, *January 21st*[c] *1836.*

Mr A J. YATES

SIR,

Your letter of the 16th instant, submitting an offer to proceed to the City of New York, and purchase a Steam Vessel for the Government of Texas, has been received, and is accepted.

In accordance with your proposal, you will receive herewith, two hundred dollars, and a letter of credit, pledging the faith of the Government of Texas, as we are authorized to do, for an amount not exceeding twenty thousand dollars, to be paid out of the loan negociated in New Orleans on the 11th instant, with which we wish you to proceed, with all possible despatch to the City of New York, and purchase a Steam vessel of not more than three hundred tons burthen, and one of two hundred would be much preferable, strong and substantially built to bear heavy guns, say 18 pounders, and in every way fit for sea service.

The object of this Steamer is to defend our coasts and harbours from Mexican cruisers, and to facilitate the safe transportation of troops, emigrants, and the munitions of war; she is therefore to be provided with such armament of heavy cannon and small arms as may be necessary to effect said object, and well commanded by experienced officers, sufficiently manned with seamen, gunners etc, and supplied with munitions and provisions for at least three months.

You will also advertise for passengers for Texas, and charge them such reasonable price for passage as in your judgment should be proper, and if any should take passage in said Boat, with intention of entering into the service of Texas, they shall have their passage money refunded to them, on being received into the service. Any organized companies who shall take passage with you, regularly armed and

[a] This postscript, written on the same sheet with the copy of the letter to Owings, was intended for Governor Smith.

[b] This copy and those of the two notes and the receipt that follow are all written on the same sheet.

In a letter to Governor Smith dated February 25, 1836, Yates writes that he is on the point of purchasing a vessel which will bring to Texas two hundred and fifty men armed and equipped, now ready to be taken as passengers. He has a prospect also of purchasing and sending out another vessel to carry a load of passengers and to be paid for in lands at fifty cents per acre.

[c] The letter in which this was enclosed is dated January 20, and it must have been held over to receive the enclosures.

equipped for the same service shall also be further repaid for such arms and equipments, at a reasonable price by the Government, as soon as funds for that purpose can be procured to the public Treasury.

You will have said vessel cleared from the Custom House in New York, in your own name, as owner, and fully insured, and proceed direct to Galveston Bay or any other port in Texas, and report yourself, and the vessel and passengers to the Governor of Texas, and present your accounts, supported by the proper vouchers, to be audited, and execute a sale of said Vessel to the Government, and return her Register to the City of New York.

As despatch is of the greatest importance, in executing the foregoing commission, you are desired to make every effort to sail from the City of New York, on or before the first day of March next. Your personal expenses on the journy will be allowed and such reasonable compensation for your time, as the Government shall hereafter determine on delivery of said vessel.

Signed S. F. Austin
" B. T. Archer
Commissioners

Copy.

New Orleans *January 21st 1836.*

Mr A J. Yates

Sir,

You are hereby authorized to draw on William Bryan the General agent of the Government of Texas, in the City of New Orleans, for the sum of Twenty Thousand dollars, payable at the Bank of New Orleans, at the time that the instalment hereafter to become due on the Loan negociated by the Commissioners on the 11th instant, shall become due, and you are to account to the Government of Texas for the proceeds of said draft, in conformity with the letter of Instructions this day given you by said Commissioners.

Signed S. F. Austin
B. T. Archer
Commissioners

Copy.

New Orleans *January 21, 1836.*

Mr William Bryan
General Agent etc.

Sir,

You are hereby authorized to accept the drafts of A J. Yates, drawn on you as General agent of the Government of Texas, in the

City of New Orleans, said drafts to be made payable at any time subsequent to the date when the instalment on the Loan negociated by the Commissioners, in behalf of said Government, on the 11th instant shall become payable, and to pay the same from the proceeds of said instalments, to the amount of Twenty Thousand Dollars, and retain this letter of advice, and said drafts, with the letter of advice of said Yates, as your vouchers therefor.

Signed S. F. Austin
B. T. Archer
Commissioners

(Duplicate.)

New Orleans *January 21st 1836.*

I have this day received of the Commissioners of Texas the sum of Two hundred dollars in Cash, and a letter of credit, of which the above is a copy, for the sum of Twenty Thousand Dollars, for which I am to account to the Government of Texas, agreable to the foregoing letter of instructions from said Commissioners.

A J. Yates

Austin and Archer to Yates.[a]

Austin and Archer to Yates.[b]

Austin and Archer to Bryan.[c]

Receipt of Yates to Commissioners [Austin and Archer].[c]

Austin and Archer to Smith.[d]

New Orleans *Jan. 22. 1836.*

We have deposited ten thousand dollars in the Bank of Orleans subject to the orders of the Govt. which must be drawn for in the manner stated in our instructions

S. F. Austin
B. T. Archer

Govor Heny Smith

[a] January 21, 1836. See Austin and Archer to Smith, January 20, 1836.
[b] January 21, 1836. This letter was inclosed in another of the same title and date. See Austin and Archer to Smith, January 20, 1836.
[c] January 21, 1836. See Austin and Archer to Smith, January 20, 1836.
[d] Draft in Austin's hand; signature original.

ROBINSON TO AUSTIN, ARCHER, AND WHARTON.[a]

SAN FELIPE DE AUSTIN *Jany. 23, 1836.*

To

STEPHEN F AUSTIN, WM. H. WHARTON and B. T. ARCHER Esqrs.

GENT.

In the discharge of my official duty, it becomes incumbent on me, to communicate to you the painful and humiliating fact that Henry Smith Esq. has been and is now suspended from acting as Governor, and the council has prefered serious and weighty charges and specifications against him, and cited him to trial, and with a view to give him a fair and impartial Trial they gave him the Election to be tried either by the Council, or the next convention, and he chooses the latter which meets on the first day of March next, and I would heartily rejoice if that day was come, for our beloved country and home is now in my opinion in more real danger than it has ever been, for party strife and party warfare is more to be dreaded than the din of arms now resounding throughout all Mexico against us.

This state of things has grown out of the expedition to Matamoras, the Govn. being opposed to it, and the council in its favor and I confess I was warmly in favor of the measure and I hope in God it will prosper as it is now under way, and the Late Govn. cannot stop it, I Hope! He has acted strangely and very imprudently and I fear to the great injury to the country at home and abroad.[b]

And I hope you will counteract its baneful effects as much as is in your power by giving or withholding this information until you make the Loan contemplated by your mission as it may possibly effect seriously the credit of Texas abroad and without money and provisions speedily, we cannot predict or imagine the disastrous consequences to our unhappy and distracted country, do for God and your countries sake effect a loan of some part of the one million loan and send it to the Treasurer or to the Genl. council, for if Henry Smith gets it there is no knowing what he may do with it $5,000 was handed him a few days ago, and he utterly refused to put it in the Treasury or under the control of the Genl. council, it was a gift to Texas from Mr. Hill of Tennessee for Texas.

No inteligence from you has been received, Except a note from Genl. Austin dated January 1, in the Mississippi River, do advise us my dear Friends, For I know you have no object but the salvation of Texas we are in a perillous situation but I do not dispair though I have fears of ourselves.

I am now performing the duties of Governor by virtue of a resolution of the council and I do most seriously say upon my honor much

[a] Records of the Department of State (Texas), Book 3, pp. 4–6 (second series of page numbers).

[b] See *Quarterly of the Texas State Historical Association*, V, 312–345.

against my will, and my interest, and evry effort but the total abandonment of my post has been made by me, to avoid doing so I have placed[a] with the late Govenor to desist but in vain the printed enclosed paper will show you our proceedings in this matter.

The Expedition against Matamoras will go on. the enemy of that measure cannot defeat it.

This moment, we have advices that two vessels with 200 soldiers each from New York are looked for hourly having been spoken off Bahamas Island. enclosed is a proclamation and copy of Col. Newell's Letter, since however information has reached here that that the force at Lorado is only 300 men and none at Reofreo[b] and that those at the former place is Col. Canallas[c] and Col. Gonzales, who was ordered to scour the country between San Antonio and the Rio Grande. We have information that Genl. Santa Anna was a short time since at San Louis Porto see[d] with 5 to 6000 troups and advancing upon us. Let him come, he shall be wellcome. I hope we will give a Good account of him in our report to the world and I hope that the common enemy making his appearance upon our frontier will dispel all little diversions among us. Great anxiety is manifested by all to hear from you and your success, and I look forward to the day when we shall again meet in our country where a greatful people will reward you individually and collectively for your private virtues and public services.

With Sentiments of the highest consideration and Respect I am Gentlemen,

Your fellow citizen

JAMES ROBINSON
Actg Governor.

WHARTON TO SMITH.[e]

Duplicate.[f]

NASHVILLE, *Feby 7th 1836*

D SIR

I have been here for several days confined to my room with cold and cough. Austin and Archer are I fear frozed up in the river below. All haulling by land and water is suspended. The Mississippi and Louisiana Senators cannot get to Washington. I shall take a horse when I am able if the rivers do not open. I have written to the President and my friends in both houses of Congress in regard to our Texas matters. I have also published and sent on my Curtius

[a] Evidently the copyist's error for pleaded.
[b] Rio Frio.
[c] Canales.
[d] San Luis Potosí.
[e] A. L. S.
[f] The only copy on file.

pamphlet.[a] The french question[b] absorbs every thing. It is unfortunate that our affairs came on the carpet simultaneously. Mexico has remonstrated with this government but nothing done as yet. I look with great anxiety to the next convention in Texas. I hope all personal or party feeling is forgotten. I hope they will declare absolutely and advise us of it with instructions. The vote should be taken on whether they wish to be attached to these United states. I prefer it 10,000 to 1. The declaration should be explicit. In the new Organization I will have nothing to do with the Executive post. I prefer the post I am now in to any other if they choose to keep me in it. As I wrote you a belief that we warred for any thing beyond the Rio Grande would damn us beneath all depth in hell. Yours in haste

WM H. WHARTON.

AUSTIN, ARCHER, AND WHARTON "TO THE PUBLIC."[c]

AUSTIN, ARCHER, AND WHARTON TO SMITH.[d]

NASHVILLE *Feb. 16 1836*

SIR,

Since our last communications from New Orleans, we have been endeavoring to make our way as fast as possible to Washington City and New York, but have been detained by the ice in the Ohio which has been closed for some weeks. This obstacle we expect is now removed or will be in a few days, as the weather has moderated and the rivers have commenced rising; we shall therefore leave here tomorrow for Louisville and proceed with as little delay as practicable.

It is with the most lively sentiments of gratitude towards the patriotic and generous citizens of this free and happy land, and with renewed confidence in the triumph of our cause, that we inform you, of the universal and enthusiastic interest which pervades all ranks and classes of society in every part of this country, in favor of the emancipation of Texas. The citizens of Nashville and of all Tennessee have manifested their sympathy in the most prompt and efficient

[a] For what was doubtless the matter of this pamphlet, see *Telegraph and Texas Register* for February 27, 1836.

[b] The question of the payment of the indemnity due the United States from France under the treaty of July 4, 1831.

[c] See Austin to Owings, February 12, 1836, in Austin, Archer, and Wharton to Smith, February 16, 1836.

[d] Copy in Austin Papers, University of Texas, but none on file with the correspondence. The Austin Papers, however, contain no copy of Austin to Owings here printed as an inclosure.

manner. Several companies of volunteers have already marched, armed and equipped by contributions, and many more are now forming. The Ladies of Nashville have generously offered to furnish the means of arming and equipping and transporting one company that is now rais [ing [a]] in this city. This act speaks for itself, no encom[ium [a]] from us can enhance its merits—it belongs to [[a]] and will form a bright page in the record of [[a]] patriotism and devotion to the cause of liberty [[a]] philanthropy and of religion.

On Thursday evening the 11th instant there was a Texas meeting in the [[a]] church in this city, the largest in the place, it was crowded with ladies and gentlemen of the first rank in point of intelligence and wealth, of this country. The legislature being in session the members generally attended, also Govs. Cannon and Carroll. But one sentiment prevailed as you will see by the resolutions and proceedings published in the "Nashville Republican" and other papers of this city, which we forward by Mr. Barrett. We informed you from N. O. of the arrangement made with Col. T. D. Owings to raise two Regiments in Kentucky—he came up with two of us in the steam boat as far as the mouth of Cumberland and will proceed to raise the men with as little delay as possible. Col H L. Webb of Illinois is also raising 2 companies and will be on in April. Our communications from N. O informed you of the progress we had made in raising funds in that city. Just as we were leaving we recd. a proposition from Mobile to loan fifty thousand dollars payable in land at fifty cents pr. acre on the terms of the loans made in Orleans. The two coms. remaining at O. believe that money could be raised on better terms We authorized our agent Mr. Wolfe to take the loan and pledge land at such price as the govt. of Texas might fix before the month of December next. We have not heard from our agent on the subject since then.

Our expectations of realising a higher price for land seem to have been well founded, as we have been offered money in this place for land at one dollar pr. acre. This offer and the opinions of many gentlemen of intelligence in this city have induced us to recommend to the Govt. of Texas, as we now do—that land scrip be issued [by [a]] that Govt. in tracts of 640, 320, and 160 acres, at one dollar pr. acre, to be located on vacant lands after [all [a]] land claims in Texas are settled and the lands [are [a]] regularly surveyed into Townships sections etc. [The [a]] absolute right however of deciding on all private [cla [a]]ims and vested and equitable and even incipient rights of actual settlers should be carefully and distinctly retained by the Govt. so as to prevent even the possibility of disputes or contests in the courts

[a] Torn off.

of law between the holders of this scrip and other land claimants, and the decission of the Govt. should be final and absolute without appeal or revisal, for otherwise the holders of scrip may possibly attempt to locate on lands deeded or equitably held by settlers on the pretext that the settler had not complied with all the minute conditions of settlement, improvement etc etc We recommend this mode of raising money to a limited extent in the belief that it will succeed and many persons will become interested in various parts of the U. S. The scrip should also bear an interest of five pr. cent from the time the money was paid, and be receivable in payment of land at the public land sales when they take place of all dues to the Govt. Scrip of this kind, struck off like bank notes handsomely engraved would serve as a circulating medium and be a much sounder currency than some of the bank notes for being a title to land at a low rate nothing but the total ruin and failure of the country by defeat would jeopardize its value or reduce it below par or in lieu of this plan treasury notes might be issued to a limited extent payable in land at one dollr. pr acre and receivable for all govt. dues

Should either of these plans be adopted, the necessary instructions might be sent on to us to procure the plates for the notes or scrip and to appoint agents etc for disposing of them. It is believed by us that one of us at least should remain in the U. S. as a permanent Genl agent. Should this be approved of by the Govt he could attend to this business.

We have apointed H. R. W. Hill Esqr. of this city the agent of Texas in this state. The unparallel'd patriotism and liberality of this Gentleman in favor of the cause of Texas, and his devotion to the principles of civil and religious liberty entitle him to the gratitude of the people of Texas. We forward by Mr. Barrett the news paper which contains a copy of our correspondence with him.

We deem it to be our duty to call the attention of the Govt. to that part of our communications from Orleans which relates to grants in future of league tracts. One clause of the offers made by Majr. Miller places the volunteer or soldier "in a situation equal to the most favored citizens of Texas".—of course it gives him league tracts, in addition to the 800 acres. Was this the intention of the Govt.? If it was, where is land to be found to meet our promises? The fact is that all are satisfied with 640 acres. There should be no doubts on this point. The league system should cease.

There is a variation in the offers made by Majr. Wm P Miller and the ordinances on this subject, which has done much harm We have published the ordinance relative to volunteers (enclosed are Miller's publication and orders) and have predicated all our offers upon this ordinance and the one to raise a regular army as we know of no law offering the terms contained in Majr. Millers publication

It is all important that information of the movements of the enemy and the dangers which threaten the country should be published in the U. S. and sent to all our agents. The certainty that real danger threatens Texas, will send thousands to our aid who would not go, if they thought they were not needed. Sound the alarm if necessary by a plain statement of facts, let the truth be told in every instance without underrating the forces or materials of the enemies' army, or magnifying those of our own.

We have heretofore expressed our opinions in favor of a decided and unqualified declaration of independence. We again repeat and confirm that opinion. In the next declaration, the ground heretofore taken should be maintained, that Texas has been absolutely independent of the Govt. of Mexico, since the commencement of hostilities October last, and that no sale or transfer of that country or any portion of it, by that Govt. to any one will be recognised as valid or binding on the people of Texas.

Respectfully your most obt. servants

S. F. Austin
B. T. Archer
W. H. Wharton
comms. for Texas

To Henry Smith Esqr.
Govr. of Texas

Austin to Owings.[a]

[Copy.[a]]

Nashville *Feb. 12, 1836*

Dr Sir.

On my arrival here I enquired of Maj. Miller for the law under which he was offering 800 acres of land and twenty four dollars

[a] February 12, 1836. See Austin, Archer, and Wharton to Smith, February 16, 1836, on file with the correspondence. It must have been an inclosure in the letter which it here follows. It is written on page 3 of a folio, the first two pages of which are covered with printed matter. At the top of page 1 in the center are the words "*To the Public.*" Immediately underneath this is a vignette showing Hercules attacking the Hydra, on either side of which is the coat of arms of the United States. Below the vignette is the title "*Liberty triumphing over Tyranny and Priestcraft.*" Next comes the following:

"Repeated inquiries being made of us in regard to the terms on which volunteers in the cause of Texas are received, we have thought proper, for general information, to publish the decree of the provisional government on this subject. It will be seen that the decree published below relates exclusively to volunteers. Texas has also a regular army, which is placed on the same footing with the Regular Army of these United States in respect to pay, rations, promotion and discipline, and, indeed, in every respect, with the superaddition of a mile square of land as a premium to those who serve two years, or during the war. Those disposed to embark in this struggle are requested to do so promptly, as their services will be needed during the ensuing spring, more than at any time hereafter.

"W. H. Wharton,
"S. F. Austin,
"B. T. Archer,
"*Commissioners for Texas.*"

Then follows the decree of December 5, 1835, for which see *Ordinances and Decrees of the Consultation, Provisional Government of Texas, and the Convention*, etc., 47–50.

bounty. He showed me a proclamation of Genl. Houstons which contains those offers[a] but as the commissioners have never seen the law authorizing them, and have no knowledge of any ordinances on the subject except what is contained on the other page of this paper, we send you this copy as all the law in our possession on the subject

We have information that Santa Anna is making great preparations to invade Texas in the Spring. There is no time to loose, and I hope you will have complete the regiments you have proposed to raise.

We shall leave day after tomorrow for Louisville.

yours respectfully

S. F. Austin

Col. T. D. Owings

late 28 U. S. A.

The greatest enthusiasm and interest is felt in this city in favor of the cause of Texas—indeed it pervades the whole of this State, and all ranks of society. The *Ladies* of Nashville have offered to furnish the means of equipping a company from here. Such an act merits the highest grade of encomium—it belongs to history.

S. F. Austin

Austin to [Smith (?)][b]

Nashville, *Feb 18, 1836.*

Dr Sir,

Thrice bad roads have detain[e]d us, but the time has not been lost or misapplied. We have all been active, and I think usefully engaged

The enthusiasm in favor of Texas is very great and universal all over this country, and we can get aid to sustain our independence I have no doubt of it and I think there will not be much difficulty in procuring the recognition of the U. S. Govt. Nothing is wanting but union, and harmony, and concert of action and of purpose, at home; and an unquallified declaration of independence—keeping up always the position heretofore taken, that Texas has been absolutely independent of the Govt of Mexico, since the commencement of hostilities in October last, and that no sale or transfer of Texas by that govt. will be recognised as valid or binding on the people of Texas.

I am greatly pleased with Nashville. There is much genuine hospitality patriotism and chivalry in this people. H. R. W. Hill, (whom we have appointed the agent of Texas here) deserves to be remembered in the most complimentary and gratefull manner, and I hope he will be.

[a] Dated December 12, 1834 [1835]. Copy in Austin Papers.

[b] Copy in Austin Papers.

Farewell. I close by repeating—Union, union, union, and concert of action and of purpose with a single eye to the independence and prosperity of Texas

Yours truly

S. F. AUSTIN

AUSTIN, ARCHER, AND WHARTON TO SMITH.[a]

NASHVILLE *Feb. 24, 1836*

SIR,

On the recommendation of H. R. W. Hill Esqr. of this city, (of whose appointment by us as the agent of Texas in this State we advised you a few days since) we have concluded to adopt the plan of issuing treasury notes. As delay is pernicious and may be ruinous to our cause, we have concluded to take the responsability of having the plates engraved for the notes immediately on our arrival in Philadelphia, and take them with us to Texas, to be signed by the President of the republic of Texas.

As one of us at least, will be at home in April, we recommend that no law be passed for the issue of treasury notes until one or all of us arrive with the plates. The law can then be passed and published. We shall procure a model for the law at Washington from the acts of congress on the subject, and from men of financial knowledge. In this way no time will be lost and the best of advice can be had on the subject

Enclosed is a copy of the notes proposed by Mr. Hill.[b] This gentleman is the same who advanced five thousand dollars for Texas, and is at this time more actively engaged in promoting our cause than, any man in the U. S. He has this day assured us that he will take $50,000 of these notes and is confident that money to any amount we need may be raised on them

Another great advantage of this plan is the supplying a circulating medium which is much needed in Texas

Respectfully

your most

obt sevts.

S. F. AUSTIN
B. T. ARCHER
WM H WHARTON
Commissioners for Texas[c]

[a] Draft in Austin's handwriting; signatures original.

[b] The form provides for notes payable in ten years, bearing five per cent interest, receivable in payment for public lands and of dues to the government of Texas. Austin's comment written on the form states that the denominations are to be five, ten, twenty, fifty, and one hundred dollars.

[c] In the original these words are written across the lines to the right of the three names.

P. S. We leave here tomorrow for Washington—the ice has given way and the river is open We have been detained by the ice in the Ohio and the impassable state of the roads for stages.

We enclose a note handed to us by the Texas committee of this place to be sent to you for collection as the men who signed it have gone there

Austin and Archer to the Governor of Texas.[a]

Louisville, Kentucky, March 3, 1836

To the Governor
of Texas[b]

Sir,

It possibly may be considered that the commissioners have delayed too much time in getting on to Washington.

The delay has been unavoidable owing to the ice, and the illness of Mr Wharton and Gen Austin at Nashville.

But had nothing of this kind detained us, we have no doubt that the cause of Texas has been much more effectually promoted by our presence in this country, than it could have been done in Washington City.

It is almost useless for us to appear in Washington untill we receive instructions from the convention of Texas, to apply in form to the U. S. govt. to recognise our independence. If we go to Washington now, we cannot be recognised or received in any public capacity whatever, and a refusal to receive us as Commissioners would have a bad effect. This opinion is founded on information recd. from a source that is entitled to confidence.

The course heretofore pursued by the people of Texas has been universally approved by all men of reflection and calm judgment; for they say it has been marked by prudence and forbearance on our part, which has placed us on high ground

The events in Mexico, the revolutionary state of that country, the prostration of the constitution, and the establishment of centralism, have compelled and *forced* Texas to separate, and declare absolute independence. It now ought to be done, public opinion all over this country expects and calls for such a declaration, and our friends are anxiously awaiting it. Altho it would have been viewed as a premature, or at least a doubtfull measure in November last, it now will be hailed by this people as the *true course*, and the *salvation* of Texas.

[a] Draft in Austin's handwriting; signatures original, except that Archer's to the postscript seems to have been written by Austin.

[b] See Austin, Archer, and Wharton to Government of Texas, April 6, 1836, note.

The particular object of this letter is therefore to urge upon you all an immediate and full declaration of independence, and to send it to the commissioners *by express*, with full powers to act under it. We hope all this will have been done before this reaches you. We have stated here, that we had no doubt the declaration would be made on this day, or tomorrow the *4*th *of March.*

The regulation of the financial operations, is all important. A *bank* will give great facilities to the country in its monied affairs. Mr S. M. Williams[a] has made arrangements to put one in immediate operation, he has the bills etc all with him. We strongly recommend this subject to the convention and authorities.

In our communication from Nashville we recommended the issuing of treasury notes. We now repeat that recommendation, and have to superadd that the bank, in our opinion, will aid very materially in giving credit to those notes. As we informed you from Nashville, we shall procure the plates etc for the notes, and take or send them to Texas without delay after which the law can be passed.

We left Mr Wharton sick at Nashville, but expect him here dayly. We shall proceed from here to Cincinnatti and up the river, stopping a short time at the principal places.

Respectfully
your most
obt sevts.

S. F. Austin
B. T. Archer
Commissioners for Texas.[b]

P. S. The difference in the publication made by Majr. Miller and the ordinance of 8 Decr. relative to volunteers has made some confusion and has done some harm.

S. F. Austin. B. T. Archer

Commission of George C. Childress[c] as agent of Texas at Washington.[d]

[Childress, acting with Robert Hamilton, is to open negotiations with the Cabinet at Washington, D. C., " inviting on the part of that

[a] A native of Baltimore who came to Texas in 1822 and rendered valuable service as secretary of Stephen F. Austin in the organization of Austin's colony.

[b] In the original these words are written across the lines to the right of the names.

[c] A native of Tennessee who came to Texas in 1834; member of the Convention of 1836 and chairman of the committee that reported the declaration of independence, of which he is supposed to have been the author.

[d] March 19, 1836. Childress is commissioned " in conjunction with Robert Hamilton esqr.", and the form of the document is such as to suggest that it was intended as a commission for both; but a careful reading indicates that it was for Childress alone, and that besides his other duties, he was to cooperate with Hamilton who seems to have been expected to serve as financial agent of Texas.

Cabinet a recognition of the Sovereignty and Independence of Texas, and the establishment of such relations between the two Governments, as may comport with the mutual interest, the common origin, and kindred ties of their constituents."]

Childress to Burnet.[a]

Natchitoches La *March 28th 1836*

My Dear Sir

I see, from the Newspapers, here, that Messrs. Austin, Wharton, and Archer are supposed to be now at the City of Washington acting as Commissioners under the authority conferred upon them by *the late* provisional Government. If when Mr Hamilton and I shall have arrived there we should find those gentlemen acting in the same capacity it would place both us and them in a very awkard situation. Will you please, in conjunction with the Cabinet, take this matter into consideration and take such steps with regard to it as you and they may think proper.

I have the honor to be Sir with the highest respect
your friend and obt. Servt.

Geo. C. Childress

His Excellency
D. G. Burnet[b]

Translation of Declaration of Mexican Minister [Manuel E. De Gorostiza.][c]

(Translation from the Spanish.)

Extraordinary Legation of the Mexican Republic in the United States of America.

The undersigned extraordinary Envoy and Minister Plenipotentiary of the Mexican Republic in the United States of America, in

[a] A. L. S. The duplicate, also on file, has the following postscript: "As I wish this letter to be sure to reach you I have sent duplicate copies one by hand and the other by mail. Please have us furnished with instructions with regard to our political and pecuniary missions."

[b] David G. Burnet was born in Newark, New Jersey, 1788; was a member of Miranda's expedition against Venezuela, 1806; afterwards a citizen of Cincinnati, Ohio, whence he came to Texas in 1826; member of the Convention of 1833; district judge of the department of the Brazos, 1834–1835; president *ad interim* of the Republic, 1836; vice-president, 1838–1841; secretary of state of the State of Texas, 1846–1847; elected United States senator from Texas, 1866, but not allowed to take his seat.

[c] No letter of transmission is filed with this document. It may have been enclosed in Austin, Archer, and Wharton to Government of Texas, April 6, 1836.

conformity with Instructions given him by his Government and with the view of refuting misrepresentations and removing every pretense for future Complaints, declares that the Mexican Government will never recognise, in any manner whatever, the engagements or debts which those persons that have been or may still be at the head of the revolted Texans, may have contracted or might contract hereafter, be what it may the Authority which they are temporarily exercising thus, or the mission which they have assumed.

The undersigned also declares that this government will neither recognise any alienation of national property or lands in Texas, made promised or agreed to, by the said persons, or in their name, either under the Title of sale, engagement, donation, or compensation, or in any other shape, as the government considers them, from this moment, should there be any, as null and of no value

Signed MANUEL E DE GOROSTIZA.

WASHINGTON *1st April 1836*

BURNET TO CARSON.[a]

EXECUTIVE DEPARTMENT
Harrisburg, April 1st 1836

To the honorable
SAMUEL P. CARSON
DEAR SIR

The infirm State of Your health rendering it necessary for you to repose from fatigues of office and the suggestion of your physician that a change of climate would probably conduce to Your restoration I have submitted to the gentlemen associated with us in the government, the propriety of Your proceeding forthwith to the United States and there employing Your valuable time in the service of Texas. The Cabinet fully concur with me in the expediency of your temporary absence from us.

You will please repair as fast as circumstances will permit to Washington City and there unite your exertions with those of our Commissioners in procuring a *recognition* from the government of our *mother* country and You will take in charge a general Supervision of all the interests and concerns of Texas in that Country.

You are fully apprised of our wants—they are numerous, as the means at present in our power of gratifying them are limited. Your

[a] A. L. S. Carson was a native of North Carolina and a member of the senate of that State in 1822 and 1824; a member of the Nineteenth, Twentieth, Twenty-first, and Twenty-second Congresses of the United States; came to Texas in 1834; was secretary of state of the Government *ad Interim* of the Republic of Texas in 1836. (See *Quarterly of the Texas State Historical Association*, VIII, 263–266.)

exertions may be valuably employed in procuring aid of all sorts—fiscal aid is all important at this crisis.

Your absence will be too sensibly felt not to be deeply regreted, and I beg You will make it as little irksome as possible, not only by frequent communications, but by shortening the period of it as much as a prudent regard to Your health and the ulterior objects of your visit will permit. An *acting* Secty of State will be appointed ad interim, but the department will await the return of its most esteemed incumbent with impatient solicitude. Wishing You a pleasant trip, the speedy restoration of your health and an early return to us, I commend [you] to the protection of that God who careth for the oppressed.

With great consideration
I am
Your friend and obt Serv
DAVID G BURNET

CARSON TO CHILDRESS AND HAMILTON.[a]

STATE DEPT TEXAS
Harrisburg April 1st. 1836.

Honorable
GEORGE C CHILDRESS
And *Special Agents*
ROBT. HAMILTON *To the U. S.*

(Private)

GENTLEMEN

We have learned that a minister Plenipotentiary has been sent by the Govt. of Mexico to the U. S. *Rumor* says that one object of this mission is to *sell Texas* to that Govt.

Immediately on your arrival You will try and ascertain this and if true, You will enter Your *solemn protest* in the name and on the behalf of this Republic against the right of Mexico to sell or the U S. to purchase, Setting forth in full the declaration of Independance.

It is desirable by the President and cabinet that the three commissioners Messrs Austin, Archer, and Wharton, apointed by the provisional Govt. should be associated with Yourself and Mr Hamilton and their aid and exertions requested in obtaining a recognition of our Independance. You will say to those Gent. after explaining the course of the convention with regard to the loan, that the Executive Govt has ratified the loan with modifications. I cannot detail the

[a] Records of Department of State (Texas), Book 34, p. 19.

modifications because of my bad health when the arrangement was agreed on It is such however as seems to be quite satisfactory

I have the honor to be
Your Obt. Sevt. SAM P. CARSON

CARSON TO CHILDRESS AND HAMILTON.[a]

STATE DEPT TEXAS
Harrisburg April 1st 1836

(Private Instructions)
To Special Agents
of the Republic
To the Honbls.
GEORGE C CHILDRESS
and
ROBT HAMILTON.

GENTLEMEN

The objects of Your mission were so fully explained to You before Your departure by the Government that nothing further on that subject need be said I hope to Join You in a short time after this reaches You, when full explanations will be given. By a private letter of this date You are advised of the wishes of the Govt with regard to the Minister from Mexico resident near the Govt of the U. S. You will use every means and arguament privately with the officers of Govt. and the Senators and representatives to Congress which may be suited to the advancement of the objects in view. If desired hold the freeest and fullest conversation with the President and cabinet officers (see my letter presenting You to Mr Forsythe) I say *desired*, this You can ascertain by sayin[g] to Mr Forsythe that if it is desirable by the Govt. You are instructed to hold the fullest and freest conversation—should there be any manifestations of reluctance on the part of the Sec of State to hear (which I cannot anticipate) a dignified elevation due to this Republic must mark Your course. Mr Childress can approach the President in the event alluded to through the medium of old acquaintance and personal Friendship and effect the object. Your own minds will suggest the course most proper to pursue as the Govt. cannot anticipate occurrences which might make it necessary to deviate from strict instructions and therefore leave to You the management of the subject with full confidence that the dignity and honor of Your country will be fully maintained and advanced

Yours respt SAM P. CARSON

[a] Records of the Department of State (Texas), Book 34, p. 20.

Carson to Forsyth.[a]

Dept of State Texas
Harrisburg Ap 1st 1836

To the Honble. John Forsyth
Secretary of State of the United States of North America

Sir

Allow me to present to You and recommend to Your consideration, The Honbles. Messrs George C. Childress and Robt Hamilton special agents of this Republic, to the Govt. of the United States. They are directed to communicate *freely* with the Executive Government of the United States upon the subjects with which they are charged. May I ask that You present them to the President and heads of department in such a manner as may be suited to the station they occupy

With considerations of the most profound respect I have the honor to be Your Obliged and Humble Servant

Sam P. Carson
Sect of State

Burnet to Carson.[b]

Sir

Since your departure I drew up something in conformity with the suggestion you had made but when the subject came to be presented fully to my mind and I had a moments oppy[c] to contemplate it, there seemed to be some difficulties which had not before occurred to me

I will suggest them to you in that spirit of frankness which has and I trust ever will characterize our intercourse.

I doubt the ability of this government to invest the *power* of appointing a Secty of Legation in any one individual even of their own body—that appointment being one of great and delicate relations ought to be made in strict conformity with established modes, and in a manner to impose all its proper responsibilities. Again no particular necessity exists for a very hasty appointment. Should a recognition be obtained, one at least of the Commissioners would remain until the governt could act deliberately upon the subject.

On the subject of procuring Vessels I also feel some hesitation. Our fiscal resources are limited and the authority of the present government over those very limited resources, is itself restricted by its own organization. The Commissions and agencies that have already

[a] Records of the Department of State (Texas), Book 34, p. 22.
[b] A. L. S. Endorsed "Executive Instructions to Sec. of State. Copy to Carson April 1 1836."
[c] Opportunity.

gone forth have a sufficient range of operation to absorb all the financial powers conferred upon us as a government, and indeed I am apprehensive that we have already transcended or put it in the powers of others to transcend the limits assigned us in this respect. The procuration of armed vessels is much to be desired, but it would be extremely hazardous, if not positively and morally wrong, for us to assume a control over the public funds, to a greater amount than our constituents have in their wisdom, thought proper to confide to us.

As usual I am much pressed with business. With high regard
Your friend and obt St

DAVID G. BURNET

YATES TO ALLEN.[a]

[Extract of a letter from A. J. Yates, esqr., to A. C. Allen, esqr., New Orleans dated Baltimore April 5, 1836.]

I take the opportunity of writing you a few lines by your friend the Rev Mr Salmon who leaves here in the morning for Texas

Genl Austin is with me and we left Washington this morning for New York leaving Wharton and Archer there. Everything at Washington appears very prosperous and the Congress and Government are all ready to recognize us and if desired by us to receive us on favorable terms into the Union The Commissioners cannot present themselves officially however untill they receive despatches subsequent to the adoption of the Declaration of Independence. They have received the most marked attention in Washington and both parties are warmly in our favour. I have had several conversations with the President and several of the Cabinet and members and find all unanimously ready to do all they can for us.

If the Government had done their duty on the declaration of Independence and forwarded the necessary powers and instructions to the Commissioners Congress would have decided the matter before this time

AUSTIN, ARCHER, AND WHARTON TO THE GOVERNMENT OF TEXAS.[b]

WASHINGTON CITY *April 6, 1836.*

TO THE GOVERNMENT OF TEXAS,

Knowing that we could not effect any thing with the money market, or with the Government, until we received an absolute declaration of Independence by Texas, and special powers and instructions to pre-

[a] This extract is on file with the correspondence, but how it came there is not clear.

[b] Signatures original; directed "To the Government of Texas, Washington, Texas." The form of address was doubtless due to the uncertainty which the commissioners must have felt as to how the government was organized or who was actually in authority. This date must be at least one day too late. Cf. Yates to Allen, April 5, and Wharton to Austin, April 6.

sent it, we purposely delayed getting to Washington until such time as we thought we would certainly meet with the declaration, and also with the appointment of some one of us, or some body else, to lay the matter before the Government officially.

We knew that until such absolute declaration with proper powers to present it [had reached us], we could be of more use, in exciting in public meetings, the enthusiasm of the South and West, than we could be of here. We accordingly held meetings and made addresses at all important points, the result of which, you have doubtless seen from the papers.

We have received the Declaration through the papers, but we have not received it officially, and it is therefore useless to us. This Government will not act upon it, until it is presented to them by some one with ministerial powers from the same Convention that made the declaration. When presented in this form, with evidence of our Capacity to maintain our Independence, we believe this Government is prepared to recognize us, and if we wish, to admit us into this Union, on liberal principles, if the people of Texas wish it. But they require a Minister with full powers to treat on the subject. If we had had these powers, Texas would have been, by this time, recognized, if not admitted into this Union.

We have made every effort to obtain loans in conformity with our powers, but have not succeeded owing to the want of the full authority, and the information as to the capacity of Texas to sustain its Independence above stated.

Finding that nothing material can be done here at present, and that the most important object, under existing circumstances, is to obtain money, we have concluded that this object can be best promoted by operating at various places, at the same time: S F. Austin therefore leaves here today for Philadelphia and New York, and B. T. Archer will leave tomorrow for Virginia, for the purpose of trying to negociate the Government Bonds. W H. Wharton in the mean time, remains at this place to attend to such matters as may be important to the public interest.

B. T. Archer
S. F. Austin
Wm. H. Wharton

Wharton to Austin.[a]

Washington [City,] *April 6th 1836*

Dear Sir,

Dr Archer left this morning for Richmond. We were at the party of Mr Calhouns last night. Many of the ablest members of both

[a] A. L. S., in Austin Papers.

houses were present. All was *enthusiasm* in our cause. I apologized for your absence which was regretted. I exhibited the Bank notes to Mr Calhoun and the Ladies and they were said to be very ingenious and appropriate. I also exhibited a map of Texas which afforded much satisfaction. The mail has brought us nothing since you left. The papers state that our privateers have blockaded all the Mexican ports. You will find a summary of the last news in the Telegraph of tomorrow which I will send you.

Do try to start off a Privateer from New York to capture the paragon the v[e]ssel lately bought by the Mexicans or any other of their purchases that you may hear of. She can be captured before she is two days out. The object of this letter is to urge you to exert yourself in the matter. I will keep you promptly advised of everything important to be known.

Respectfully

WM. H. WHARTON

WHARTON TO THE GOVERNOR OF TEXAS.[a]

WASHINGTON CITY[b] *9th of April 1836*

Confidential.

DEAR SIR.

Since the meeting of the new convention we have had no correspondence with the Texas Government. We have seen the declaration in the papers but this government will take no notice of it until it is presented by an agent with *credentials* from the present government. Let me urge the vesting of some one with plenipotentiary powers without *One Moments delay.* He must be here before this congress adjourns. They I think are favourable. The next may have a preponderance of Northern and Eastern jealousy and Abolition. Let our Minister be instructed and empowered to negotiate a treaty for the admission of Texas into this union if such which God Grant is the wish of Texas. In my estimation it is all important to become a portion of this confederacy. I would give $\frac{9}{10}$ths of what I am worth rather than miss it. If Texas expels her present invaders and if disorder among the inhabitants does not prevail she will be recognized and admitted in my opinion on liberal terms. But if our invaders prevail or if *anarchy* and confusion and violence among the

[a] A. L. S.; directed to the Governor of Texas "Care of Wm. Bryan New Orleans La" Wharton was, of course, uncertain as to who was the actual head of the Texan government at the time. As a matter of fact, it was President Burnet.

[b] "Washington City" in this correspondence always means Washington, D. C. The name of the capital of the Republic of Texas, 1842–1845, always appears in dates as "Washington, Texas."

inhabitants should arise then *Texas will not be recognized or admitted.* On this you may rely. For Gods sake for our wives and childrens sake and our bleeding countrys sake let harmony and union prevail as among a band of *brothers.*[a] Let our minister have ample powers and instructions so that the treaty when begun may not be stopped for want of them. Do attend to this. All is lost unless you do. I write earnestly but I trust it will be received as it is meant and not imputed to dictation. In regard to raising money we have been much cramped for want of a declaration of independence. Capitalists would not lend under the November declaration. We have had capable and industrious agents at work in New York since January but no money could be raised without giving away all Texas. Since the declaration Genl Austin has gone to New York to try the lenders again. We offer to the lenders to pledge all we have on earth even to our wearing apparel. We are trying one of the Government bonds in Baltimore and one in Philadelphia. Austin writes me from Baltimore that he has strong hopes of effecting a loan. Dr Archer has gone to Richmond to try and negotiate one of the bonds there. The others we are trying in New York. I remain here to attend to the correspondence and to keep the government correctly advised in regard to our situation and prospects. The Volunteers who have returned have filled the country with falsehood. I am nearly always writing to disprove their slanders.

I have been and am in bad health. I was confined several weeks in Nashville—left there for this place when I could not sit up and was again confined in Pittsburgh. My health is however improving. The commissioners have acted together in the utmost harmony. Do attend if you have not done it already to sending on a Minister immediately with ple[n]ary powers to treat for the admission of Texas into this Union. Probably 2 or 3 agents would be better.

Very Respectfully

Wm. H. Wharton

P. S. There is some talk about a piracy having been committed by one of our vessels. In the name of God let the act be disclaimed and the offender promptly punished if such be the fact. I called on the Secretary of state about it this morning. He had not heard it officially.[b]

[a] This appeal must have been due to reports which had come to Wharton of the quarrel between Governor Smith and the Council of the Provisional Government. See *Quarterly Texas State Historical Association*, V, 269–346.

[b] The reference in this postscript is doubtless to the capture of the *Pocket* by the *Invincible.*

CARSON TO BURNET.[a]

NATCHITOCHES *14th April 1836.*

To His Excellency
DAVID G. BURNET PRESIDENT AND THE
CABINET OF THE REPUBLIC OF TEXAS

GENTLEMEN

On my arrival here last night I met with Genl Gains[b] and have had with him a full and *satisfactory* conversation. His position at present is a delicate one and requires at his hands the most cautious movements. The object of the concentration of forces at Jessup is to protect the frontier and the Neuteral Ground also to keep the Indians in check and repress savage agressions. This he is bound to do in fullfilment of treaty stipulations between the Govt of the U States and Mexico

An Express arrived here at 2 Oclk A M last night directed to Genl Gaines advising him of the concentration of from 1500 to 2000—Indians and a conjunction of their forces with about one thousand *Mounted* Mexicans. This is the detachment no doubt, which Jo. (Colo Travis servant) spoke of as having left San Antonio and which took the Bastrop road. There is no doubt of this information being correct. On Sunday night last (10th inst.) they camped about 60 Miles from Nacogdoches and 30 North of the road leading from that place to Trinity. The Gentleman who brought the Express says there is at least 300—Families west of Nacogdoches which will in all probability fall into the hands of the enemy. Numbers have I feare been slaughtered before this

Genl Gaines *immediately* on rect. of the Express issued an order to prepare thirteen companies to March this evening to Sabean with two field peaces with 75 rounds for each and 35 rounds for the Infantry—also 12 days provisions etc.

I herewith send you a copy of his requisition upon the Govr of Louisiana to furnish a Brigade of Mounted Volunteers.[c] A similar request has been made to the Govrs. of Tenns Missis. and Alabama, requiring however only a Batallion of the latter in consequence of the Florida War. He will have in a few days (say 20 to 30) from 7 to 8000 men with him. You will perceive that we *cannot use Indian auxiliaries* unless in *self defence*. The Treaty referred to requires the U States to put such conduct down. This shows the wisdom of our decission upon the proposition of Smith and others to bring Indians to our aid. I shall write Genl Houston and advise him fully upon this subject

[a] A. L. S.; directed to Harrisburg. On the margin of the first page are the words, "I made no copy of this and have written in great haste."

[b] Gaines.

[c] Printed in *Niles' Register*, L, 162.

I cannot state positively what Genl Gains may do but one thing I think I may say that should he be satisfied of the fact, that the Mexicans have incited *any Indians* who are under the control of the U States to commit depredations on *either* side of the line he will doubtless view it as a violation of the Treaty refered to in his order to Govr White and others and be assured that he will maintain the honor of his country and punish the agressor be him whome he may. Now the *fact is* that the Mexicans have already with them a number of the Cadoes some Cherokees and Indians of other Tribes which are under the protection and controal of the U States. It is only necessary then to *satisfy* Genl Gains of the facts, in which case be assured be will act with energy and efficiency. The proofs will I have no doubt be abundant by the time he reaches Sabean in which case he will cross and move upon the agressors. You will remark that I can give you nothing from Genl Gains himself as to his movements—he to be sure has been polite enough to furnish me with a copy of his orders to the Govrs which will be publish[ed] no doubt to show the world the principles upon which he acts. The departure on the part of the enemy from the useages of Civilised Warfare will doubtless have its effect with Genl Gains and he will be brought to reflect *how far it may become his duty to interfear* so as to *compell* the *observance* of the principles of civilised warfare as established by Nations and which now forms a parte of the code of National Law. I will address him an official letter upon this subject and bring his mind directly to it, and will give a statement of facts to show their departure etc. such as the slaughter of Dr Harrison the deliberate shooting of the 30 of Fannings Men who surrendered as Priss of War etc.

I shall proceed to Washington City as fast as my health will admit. I was very sick yesterday and last night am only able to sit up to day

May providence protect you all and Our adopted country is the sincere prayer of verry Truly and faithfully Yours

SAM P CARSON

P. S. I have writen Genl Houston and requested him to forward the communication to you.[a]

CHILDRESS TO BURNETT.[b]

NASHVILLE TENN. *April 18th 1836*

MY DEAR SIR,

I reached this place a day or two since on my way to Washington City. Mr Hamilton and I parted company at Natchitoches, he hav-

[a] In the original the whole of the postscript is written in the margin.
[b] A. L. S.; directed to San Felipe, via Fort Jessup, Louisiana.

ing gone by his plantations on Red River. We are to rendezvous at Washington on the first day of May. The present is a long session of Congress and it is thought that it will not adjourn untill some time in June, there being many questions of great interest still undisposed of by that body. We are not sanguine of getting an *immediate* recognition of the Independence of Texas from the Government of the United States, but will open a negotiation and continue it untill crowned with success, unless otherwise instructed by your Excellency and the Cabinet. It is of great importance, I conceive, to obtain it as soon as possible as the moral effect in our favour would be great in the United States. Many persons who now feel scruples in volunteering to take a part in the internal conflicts of a *foreign* country would freely do so if the independence of the party with which they sympathize was recognized by the Government of their own country. I set out for Washingtan to day or tomorrow. Allow me to remind you and the Secy. of State of the instructions we shall need on our arrival there, and without which we shall feel much at a loss. You will also instruct us with regard to any other matters that you may think could be effected by Mr. Hamilton and myself to further the interests of Texas. We have been endeavouring (with some success) to create as much interest as we can at those points in the South and West which we have touched at, and shall continue (through the press and otherwise) to *agitate* the United States as much as possible. You will have received before this reaches you accounts of the public meetings and proceedings at Natchez and other places. So far as I can see the South and West is kindling into a *blaze* upon the subject. So great is the interest felt upon the subject, and so numerous are the applications by letters from individuals, editors etc for information upon the Subject, that to do all the writing required and to keep copies of all relating to the public affairs requires more writing than any one or two men can do. We have therefore been under the necessity of employing upon our own responsibility a *Secretary* to the Mission, whose services will be especially wanting when we reach Washington, as we shall have to carry on a very onerous correspondence with the Government of the U. S., the Government of Texas, and with Secretaries of public meetings, committees, individuals, and editors of Newspapers in every part of the U. S. Many of these communications will be of such importance, that we must of course take copies—of the *official* ones especially. We have engaged a young gentleman of fine qualifications to act in this capacity who will proceed with us to Washington. He has visited Texas, and intends to become a permanent resident of our country. We have told him that the first Congress would, in our opinion, appropriate an adequate renumeration for his services. This however will be left entirely with the Government. His services we need.

I met, at Natchitoches, Col. Waterson of Tennessee bearing a communication from Gen. Richard G. Dunlap of this State proposing to bring from Tennessee a force of two thousand men, provided he would have the rank he now has in Tennessee. Gen. Dunlap is now here, and I believe that from his influence and popularity in the State, and from the present state of feeling existing, that he can raise from two to five thousand men *if he had the funds to transport them to Texas. A Tennessee army* would give confidence to the friends of the cause throughout the U. S. and would carry terror to the heart of the Dictator himself. You will have seen his proposition before you receive this and as I have no doubt that it will be accepted by your excellency and Cabinet I have induced Gen D. to proceed in the execution of the plan, and I wish your Excellency and the cabinet to write me immediately on the receipt of this to Washington City, and inform me whether if we succeed in our pecuniary negotiations at New York Mr. Hamilton and I could take the responsibility of advancing a sufficient sum to Gen Dunlap to transport the Tennessee troops to the seat of war. Please address Gen Dunlap also with regard to the whole matter at this place.

He will bring a sufficient number of troops (if provided with funds to transport them) to entitle him to the rank of a Major General, and wishes the power conferred of appointing the two Brigadier Generals to which he would be entitled—as he wishes to confer those commands upon two gentlemen of fortune, character and influence who have agreed to raise a thousand men each and to cooperate with him, and in whose military talents he has entire confidence.

I am Sir, with great respect,

Your obt Servt GEO. C. CHILDRESS

P. S. My respects to the members of the Cabinet.

WHARTON TO BURNET.[a]

DEAR SIR

This will be handed you by my friend J M Wolfe Esqr who has since the 1st of January last to my own knowledge exerted himself as indefatigably and as zealously in the cause of Texas as ever man did or could in any cause. This I know is inough to insure him the kindness and friendship of yourself and all the friends of Texas.

Your etc

WM H WHARTON

Nothing of great moment can be done here without there is a minister from the new government of Texas with plenipotentiary powers

[a] A. L. S.

to sell bonds etc. etc. On this subject I have written to the government a dozen times but have not received one line since the 20th of February last. Col Wolfe will tell you all the news. In great haste

Yours etc

WM H. WHARTON

NEW YORK *23d of April 1836*

P. S. I wrote to you at great length on the day before yesterday

On my arrival at Velasco about the 23d of Dec. 1835 I met with Dr S B Dickinson and J M Wolfe Esq who had emigrated to Texas for the avowed purpose of participating in her struggle for liberty—but in as much as San Antonio had fallen, and the army were about repairing to winter quarters, they justly concluded their services in the United States would be more efficient, by giving a fair expression of the difficulties existing between Texas and Mexico, Stimulating volunteers to embark in her cause and to raise Monies by donations, subscriptions etc In which operations and movements they have since been very actively and devotedly engaged. I therefore recommend that they be considered as citizens of Texas by the govt. from said 23d of Dec. and entitled to all the privilege[s] of such.

NEW YORK *April 22d 1836*

WM. H. WHARTON

We are acquainted with the truth of the above statements, in acknowledgement of which we hereunto affix our signitures

S. F. AUSTIN

B. T. ARCHER

URQUHART AND OTHERS TO DALLAS.[a]

SECRET TREATY OF SANTA ANNA WITH THE TEXAN GOVERNMENT.[b]

WEST TO BURNET.[c]

OFFICE OF LOUA STATE M & F. INSCE. COMPY.

New Orleans 16th. May 1836.

To the

Honble DAVID G. BURNET

President of Texas

SIR,

By a resolution of this Board I am directed to forward you copy of a letter to Com. Dallas, and as as you informed Mr. Edwd. An-

[a] May 9, 1836. See West to Burnet, May 16, 1836.

[b] See Webb to Dunlap, March 16, 1839.

[c] A. L. S.

drews of Brazoria that documents were found on board the American Brig Pocket establishing the fact that her Cargo belonged to the Mexican Government and was intended for the Army in Texas under the command of Genl St Anna, and would consequently be condemned as "contraband of war" and as Eight thousand Dollars on said Cargo is Insured by this Company you will please forward copy of said Condemnation properly certified so as to be evidence in our Courts and oblige

Your obt St

JOHN K WEST *President*

P.S. Mr. A has had the Protest relative to the capture of the Pocket to [have[a]] a copy made to forward you.

Copy.

NEW ORLEANS *9th. May 1836.*

A. J. DALLAS Esqr.
Commanding the U. S. Naval Forces
in the Gulf of Mexico.

SIR.

Owing to the officers and crew of the Invincible being discharged by the Judge, and Capt. Brown commanding said vessel, and captn. Hurd commanding the armed Schr. Brutus having stated to R. L. Robertson the Inspector of their Insurance Offices as per his certificate before the U. S. district Atty. that their intentions were to indorse the Registers of all American Vessels which they meet, without the jurisdiction of the United States bound for any Port in Mexico, forbidding them to continue their voyage, and if afterwards they should be found doing so, by any Texian vessels, they would be captured and condemned as good prize, and as several American Vessels are now loading with valuable Cargoes for Tampico and other Ports in Mexico on which our respective Offices have taken Risks to a large amount, we take the liberty to request that you would dispatch a vessel to the Balize to convoy said vessels to their respective Ports of destination, and their captains will be requested to be there ready for Sea on or before the 20th Inst.

The Offices having also issued Open Policies by Vessel or Vessels at and from any Port in Mexico to this in the belief that the American Flag would be respected by Texian Cruizers, and finding by the capture of the American Brig Pocket that it is no protection whatever they request that a National vessel may be employed between Tampico Vera Cruz, Matamoros and this Port in the transportation

[a] Obliterated.

of specie, and the general protection of this highly important commerce to this city and to the whole United States or we shall be liable to sustain heavy losses and this commerce [to be] totally distroyed, and we request the Merchants to whom our respective companies have issued said Open Policies to immediately address their Correspondents requesting that so long as the present difficulties exist that not a dollar must be shipped but by National Vessels.

Respectfully
Your Obt. Servts
"Signed"

THOS. URQUHART *President of the New Orleans Insurance Company.*
JOHN K WEST *President Louisiana State Marine & Fire Insce Compy.*
R. O. PRITCHARD *President Ocean Insurance Co.*
THOMAS BARRETT *President of the Atlantic Marine & Fire Insce Compy.*
CHARLES HARROD *President Mississippi Marine & Fire Insce Compy.*

BURNET TO COLLINSWORTH AND GRAYSON.[a]

EXECUTIVE DEPARTMENT
REPUBLIC OF TEXAS
Velasco 26th May 1836

To JAMES COLLINSWORTH
AND
PETER W. GRAYSON
GENTLEMEN;

By these presents you are appointed Commissioners on the part of this Government to proceed to the City of Washington in the United States and obtaining access to the Executive and Cabinet of that Government present yourselves as duly empowered and instructed by the Executive and Cabinet of the Government ad interim of Texas, to solicit the friendly mediation of the former, to produce a cessation of the war, between Texas and Mexico, upon terms just and honorable to both parties to the end of procuring the recognition of the Independence of Texas by Mexico and you will also use your best

[a] James Collinsworth was a native of Tennessee; came to Texas in 1834; was a member of the convention of 1836; secretary of state of the Government *ad Interim*, 1836; commissioner to United States, 1836; first chief justice supreme court of Texas, 1836–1838.

Peter W. Grayson came to Texas in 1832; was attorney-general of Government *ad Interim*, 1836; commissioner to United States, 1836; agent of Texas to purchase vessels in United States, 1837; minister plenipotentiary to the United States with Anson Jones for his colleague, 1838.

exertions to procure the acknowledgment of that Independence by the Government of the United States.

You are further instructed to say; that in the opinion of this Government, the annexation of Texas to the United States as a member of that confederacy, would be for many weighty reasons highly acceptable to the people of this Country. You will in the event of your being received with the frankness and consideration due to your Commission and with indications of a desire to hold communication with you on this subject, respectfully enquire the terms upon which in the opinion of the authorities you address, the proposed event might be attained and you will on your part state with candor the terms upon which as you think, it would be acceptable to the people of Texas.

From time to time, during the pendency of the intercourse you will hold under your Commission, you will advise this Government of the progress you are making and of all important facts which seem to favor or obstruct the end in view. And when you shall have arrived, through the medium of a free intercourse [a] of sentiments, at what you may consider the best understanding that is to be had on the subject, you will without delay, communicate the substance of all you have ascertained, to your Government, and then feel yourselves at liberty to return.

In your suggestions of the probable terms upon which the people of Texas might be disposed to come into the Union of the United States it will be proper for you to point out the following as in your opinion indispensable.

First. You will insist on a stipulation that all the laws Civil or Penal, acts and obligations, either legal or equitable, of the present Government of Texas and of the Provisional Government which preceded it under the declaration of the Seventh of November last shall be respected and held valid.[b]

Second. That bona fide settlers in Texas shall be protected in their right to so much land as they can rightfully claim in virtue of laws under which they imigrated, and that all bona fide grants of land of whatever denomination, that have been regularly located or are justly entitled to location, shall be held good and valid; and shall not be adjudged defective for any failure to comply with formal requisitions, such as cultivation in toto, erecting land marks, paying annual fees or dues to the Government and the like, the object being, that when the grant was good at the beginning it shall continue to be held so, upon the party hereafter complying with neglected requisitions so far as they may be legally insisted on.

[a] A less satisfactory copy of the instructions than that following in printing them has here the better word "interchange."

[b] At this point follows, written in pencil, the instruction to the copyist, "(insert here the published Decl of Texas [)]."

Third: That Slavery shall be allowed in Texas, of persons of African derivation and that all persons of that description now in Texas and held as Slaves shall be respected as the property of their respective owners.

Fourth. That all Citizens of Texas who may be bound to Citizens of Foreign Countries, for debts contracted previous to their coming hither, shall in respect of such debts be protected from suits, for and during the term of years

Fifth. That liberal appropriations of public land shall be made for the endowment of Seminaries of learning, Colleges, and other institutions of public utility.

Sixth. That all Act[s] and Ordinances or penal laws, declaring as subject to confiscation or forfeiture property, of any description, either real or personal, for causes specified in the same, shall be duly respected and allowed to be carried out by the authorities of Texas.

Velasco 26 May 1836

Your obt Servt.

David G Burnet

Wm H Jack[a]
Secy of State

Jack to Austin and Others.

Velasco
27th May 1836.

To S. F. Austin and others

Sir

I am instructed by the President and cabinet to inform you that inasmuch as important changes have recently occurred it has been deemed necessary to despatch to Washington two commissioners for the purpose of representing this Government there. It was conceived most advisable to select gentlemen who are now in this country because they could be more fully informed of the views of this Govt. and the wishes and interests of the people. These Gentlemen are Peter W. Grayson and James Collinsworth Esqrs. to whom you will be pleased to communicate any valuable information which you may possess, affording them at the same time every possible facility in consummating the objects of their mission.

In recalling you the President and Cabinet, are not unmindful of your disinterested efforts in the Service of your country, but have acted on the conviction that at this crisis of affairs, commissioners fresh from Texas, would from their more intimate knowledge

[a] A native of Georgia, who lived some time in Alabama and came to Texas in 1830; author of the Turtle Bayou resolutions of 1832; secretary of state of the Government *ad Interim*, 1836; member of the Congress of the Republic, 1836–1844.

of her present wants and policy be able to represent her more efficiently at Washington.

The confidence which your country reposes in you is entirely unimpaired, and you will be received with heartfelt greetings of gratitude upon your return.

Allow me Sir in conclusion to tender my personal testimony of the highest consideration, while

I have the honor to
be very respectfully
your obdt Servt.

Wm H Jack, *Secy of State*

Dunlap to Carson.[a]

Carson to Dunlap.[a]

Carson to Dunlap.[b]

Dunlap to Carson.[b]

Carson to Burnet.[c]

Nashville *1st June 1836*

To his Excellency
David G Burnet *President*
My Dr Sir

Sickness which confined me at one time ten days to my bed the consequent debility which rendered me unfit for traveling—high waters and other casualties too tedious to mention has procrastinated my journey to a verry unexpected length. I have ingaged passage on a S Boat for Pittsburg which leaves here shortly—will proceed with all possible dispatch to Washington City, where I shall hope to be *advised* of *the wishes of the Government.*

I shall not attemp[t] a description of my feelings upon the rect of the news of Houstons Victory—you may imagine but I can not discribe.

[a] May 31, 1836. See Carson to Burnet, June 1, 1836.
[b] June 1, 1836. See Carson to Burnet, June 1, 1836.
[c] A. L. S.

The enthusiastic bursts of feeling every where in this country exceeds any thing I have ever witnessed.

The spirit in Congress is fine I send all the papers I can get to let you see what is passing there. Public Meetings are geting up in all directions petitioning Congress to recognise our Independence. A bold move has been made in my native county (Burke No Ca) in our favor a fine and spirited debate arose upon the presentation of their proceeding in Congress. (See papers)

From the call of the Secy of War and of Genl Houston for troops and from the circumstances[a] of Santa Anas having made a requisition for five thousand additional troops and two hundred Officers I am induced to believe that we should send on from this country every Volunteere we can. I am acting on that principle and shall not relax my efforts unless advised to do so by the Govt We should drive the enemy from the Country and fortify our Western border and maintain a sufficient force to man our Garrisons untill *all* difficulties are settled

I inclose you a correspondence with Genl Dunlap who has been exerting himself in our cause and who will soon be in Texas Seventy men are now ready to leave under Captn Grundy who is the *prosecuting Atty.* for the United States for this District, and has *formal orders* to arrest and prosecute every man who may take up arms in the cause of Texas or in any way *Violate* the Neutrality of the U. S. He says he will prosecute any man under his command who will take up arms *here* and he will accompany them to the boundary line of the U S. to see that they shall *not violate her Neutrality* and when there, if the boys think proper to step over the line as *peaceable Emigrants* his authority in this Govt will cease and he thinks it highly probable that he will take a peepe at Texas himself. Thus you see how the neutrality of this Govt is *preserved* by her civil officers. You will perceive by the accompanying correspondence the monied arrangement I have made with Genl Dunlap to forward on the Volunteers under his command

I hope on his arrival that his exertions will be rewarded by the Govt by giving him that Rank in the Army which he desires and which I have no doubt he merits.

June 2nd

I had writen thus far when I learned that Genl Houston had arrived in New Orleans I waited for the arrival of a Boat which was expected hoping to hear from him something which might aid me in determining on the proper course to be persued with regard

[a] [Note by Carson written in the margin of the letter.] "See Nashville Republican containing a letter from a Lady at Vera Cruis to her mother in Georgia also Santa Anas official request for troops."

to sending on Troops—having heard nothing by the Boat and Troops being ready to march I have determined to send them on and continue sending untill otherwise ordered

Genl Dunlap will expect the rank of Majr Genl. which I hope the Govt will confer upon him with permission to commission the officers under his command such as his men may elect etc.

Captn Grundy leaves an interesting Family (a Wife and four children) his professional prospects the comforts of his home etc. to aid us in our struggle. I commend him to your warmest friendship and respect I will write soon again

A rumer has reached this place that our friend Thomas (Atty Genl)[a] is dead accidentally killed by his own Pistols I hope its untrue.

Genl Dunlap has promised to select and send you on all the news papers of this country containing matter interesting to Texas. They will accompany this.

The bearer of this is a Volunteer in our cause and was selected by Genl Dunlap to beare a dispatch to our Govt before I arrived to ascertain whether he should proceed with his troops or whether Texas required more aid

Make my regards acceptable to the Cabinet and all friends and be assured of the profound respect with which I am

Yr Obt Servt and Friend

SAM P CARSON

P S. The bearer Mr Caruthers, ought to be reimbursed in his expenditures as he will beare his own expenses to the Govt.[b]

P S. I send you the letter of Mr Childress accompanied by the note of Genl Dunlap.

S P C

(Copy for Govt.)

NASHVILLE, *May 31, 1836.*

To the Hon.

SAMUEL P. CARSON, Secretary of State of the Republic of Texas.

SIR:

Your arrival is most propitious to the cause of Texas at this time. This day the Volunteers now in rendezvous here, will be mustered and discharged. On the 10th of June, the Volunteers in the Eastern division of the State will also be mustered and discharged, at Knoxville. On the 15th of June the Volunteers in the Middle Section of the State will be mustered and discharged, at this place. And on the 22nd of June the Volunteers of the Western District of the State will

[a] David Thomas, attorney-general of Texas for a time under President Burnet. The rumor was true.

[b] This postscript written in the margin.

be mustered and discharged at Jackson. This presents a most favorable opportunity to raise volunteers for Texas. You already understand that I had determined to unite my destiny with Texas. I formed this determination as soon as I heared of the bloody massacre of the Alamo, and sent a proposition to your Government to be allowed to bring forces to the field.

My present object is to learn from you whether volunteers are now wanted in Texas. The defeat and capture of Santa Anna by Genl. Houston has induced a belief that the war is over. Do you want any further aid, and will the soldiers be allowed their bounty and pay as heretofore promised? If you do require further aid, I wish to be allowed to day to state this to the three companies that will be mustered and discharged, as I am confident an appeal to the chivalry of the sons of Tennessee will be answered as becomes gallant spirits. I shall attend the several rendezvous and increase the ranks of volunteers if you will only say that duty and patriotism still invite the friends of public liberty to the relief of your adopted country.

You are aware that funds must be had to subsist and transport troops. You will see the necessity to give me some power on this subject. Mr. Childress has promised me means and has instructions to purchase me 4000 stand of arms, cannon and every thing necessary for a campaign. I wrote him so soon as I determined to join the Tennessee Volunteers called to the Western borders, that I did this under a belief that we would not be marched further than Memphis, and that if I had the means there ready that I could carry the whole army with me to Texas.

I have no doubt but that Capt. Grundy will be enabled to raise one company to march forthwith to Texas if they can be assured of the necessity.

In haste.

I am respectfully

Your humble Servt.

R. G. Dunlap.

[Copy[a]]

Nashville *May 31st 1836.*

To Genl R. G. Dunlap

Sir

Your letter of this date is just received and I hasten to answer it, as the volunteers under the requisition of Genl. Gaines are this day to be discharged,—in order that you may state, to those disposed to go to Texas, my answer.

[a] Records of the Department of State (Texas), Book 34, p. 26.

Although the defeat of Santa anna has been most propitious for the cause of Texas, and the victory the most brilliant and glorious *ever* gained, yet there are other Generals and Divisions of the Mexican Army, that *must* be whipped and driven from the Country.

Santa Anna in his official but very false communication to his Government of the fall of the Alamo, calls upon Mexico for five thousand additional troops, and two hundred officers. The Priests will, doubtless, organize and send on all the troops they can raise, and their power is now much the greatest in Mexico. I therefore hope that no effort of yours will be relaxed, but that you will persevere in your operations, and get on as soon as practicable to the seat of War, where you will be hailed by our gallant officers and soldiers, with enthusiastic friendship, and gratitude for your aid, and I doubt not that you will find a field for action where *you* too, may win imperishable honor.

As to the lands, it has been fixed by our Government, the quantity that each volunteer shall have, and graduated in proportion to the time he serves. This, you will perceive, cannot be altered, because it is a fundamental regulation and nothing, but a termination of the war, can stop its operation. Your volunteers will, therefore, be entitled to bounty lands in proportion to their services.

With regard to financial regulations to enable you to forward on troops, I invite a private interview with you this evening at the Inn, when I hope we shall be able to come to some satisfactory conclusion upon that subject.

I hope you received my letter to you dated at Alexandria, as you did not meet me in Memphis, I feared it had miscarried. Should it not meet your convenience to see me this evening, early in the morning will do.

With much respect
I am Sir yr Obt. Servt.

SAM P CARSON
Sec'y of State

[Copy [a]]

JUNE 1ST 1836.

Genl. R. G. DUNLAP
DEAR SIR:

If you can obtain the amount of money necessary to forward and defray the expenses of the volunteers now ready to start and those which may follow under your command, for Texas, (say twenty five thousand dollars) I will direct Robert Hamilton Esqr. the authorized agent of the government of Texas, to negotiate a loan to refund the amount with not exceeding ten *per centum per annum* interest thereon, if he should obtain a loan in the Northern cities, where he

[a] Records of the Department of State (Texas), Book 34, p. 28.

at this time is. Should he, however, fail there, I will direct that he immediately recognize the amount you obtain, as a loan to the Government of Texas, and pledge the faith of that Government for the payment thereof, with the interest mentioned, provided, you cannot obtain money for a less interest. In the disbursement of the money, you may borrow for Texas, you will please to observe the necessity of taking vouchers in all cases, as a strict accountability will be required by the Government of Texas. Should a larger amount be necessary for the subsistence and transportation of the volunteers, you are authorized to increase the amount to meet the necessity.

Strict economy, as well as accountability, will be expected, and I hope, rigidly observed.

With my best wishes for the safe and speedy arrival of yourself and troops at the seat of war, and your success while there, I subscribe myself,

Your Obt. Servt. and Friend SAM P. CARSON
Sec'y of State.

NASHVILLE
June the 1st, 1836.

MY DEAR SIR

I send you a letter from Mr Childress of the 18th. of Aprile to the Prest of the republic of Texas. I expected to have sent this letter so soon as I had made some developments favorable to Texas, but before this occurred we had a Call from Genl Gains for a brigade to defend the Western borders. I joined the volunteers with a full Conviction that we would not be detained long in the service of the U. Sts, and that in that event I could take the whole volunteer Corps with me to Texas.

I am Very Respfully
Your obet Sert R. G. DUNLAP.

To the Hon
SAML. P. CARSON.

JACK TO FORSYTH.[a]

DEPARTMENT OF STATE
Velasco 2nd June 1836

To The Honl. JOHN FORSYTH
Secretary of State of
the United States of America

SIR

I have the honor to enclose a copy of a letter which the President of the Republic of Texas despatches to the President of the United

[a] Records of the Department of State (Texas), Book 34, p. 30.

States of America; containing the credentials of the Honl. Peter W Grayson and James Collinsworth, as commissioners, on the part of our Government to yours. Permit me to introduce these gentlemen to you; and allow me to express the hope, that you will present them in form to your President, at the earliest opportunity.

I have the honor to tender my acknowledgements of the highest consideration and regard.

Most respectfully

Your Obedient Servant,

WM. H. JACK
Secy of State.

AUSTIN TO BURNET.[a]

NEW ORLEANS *June 10, 1836*

DR SIR.

I have this moment landed and have only time to say a few words as the vessell by which I send this is starting.

I left Washington on the morning of the 24 ultimo came by Wheeling and down the river.

I fully believe that nothing is wanting at Washington, to procure an acknowledgement of our independence but *official information*, of the true state of things at home. That is, evidence that a govt *de facto* is regularly organized and in operation and able to sustain the independence of Texas—that the Mexicans have been defeated, and driven out of Texas, (if the latter be the fact) or if not driven out, how far they have retreated. What is the force of the Texas army, what that of the enemy, their relative position, and the situation of the country generally. All this should be sent *immediately* in an *official* form to the representatives of Texas in Washington, (Childers[b] and Hamilton including Wharton should he still be there, or either of them who may be there) with instructions to lay it before the Govt of the U. S., without delay and apply for a recognition of our independence.

If such documents as the above had been received by the representatives of Texas before I left Washington, I believe that I could have brought on our recognition. The feeling there is decided and ardent in our favor and no time should be lost in making a proper use [of it] Wharton will remain a short time longer at Washington to act with Mr. Childress and Hamilton, and then return home. That was the conclusion when we parted. Archer was to leave Washington on the 25th for Richmond Va. and will be here on his way to Texas in a few days. I shall leave [on] the first boat for Nachitoches and through by Nacogdoches without delay.

[a] A. L. S.; addressed "D. G. Burnett President of Texas Velasco—or wherever he may be—Texas"

[b] Childress.

About 350 to 400 men will be down in a few days from Lexington and Louisville Ky. and 80 from Cincinnatti. How are they to be transported from here? Would it not be well to send some instructions on the subject to the agency here, or to Nachitoches? I will do all I can here on the subject.

There is a report here this morning that a treaty has been made with Santa Anna by which he is to be released. It has caused some excitement (as I am told) as doubts exist of his capacity to make or enforce any treaty whilst a prisoner etc, etc.

Every thing is right for Texas all over the U. S. *provided there is union and prudence at home*—which I have no doubt there will be.

Yours in haste

S. F. Austin

D. G. Burnett
President of Texas

Childress and Hamilton to Burnet.[a]

Washington [City,] *June 10th 1836.*

Sir,

We have been, for some time past, at our post, in this city, using our best exertions to attain the important objects for which we were accredited by your Excellency and Cabinet to this Government. Upon our arrival here we presented our credentials to the Government through Mr Forsyth the Secretary of State. We have been much at a loss on account of a failure to receive *official* accounts of that all important event the capture of the President Santa Anna, and the victory of San Jacinto. These have, no doubt, been sent, but have failed to reach us, perhaps in consequence of the interruptions of the Southern mails growing out of the hostilities of the U. S. with the Creek Indians of Alabama. In the absence of official accounts we were obliged to adopt Gen Houstons account of the battle of San Jacinto which we find in the newspapers, together with your letter to Col Triplett

Upon these *quasi* officials we today, made a *communication* to Mr Forsyth in support of the position we have assumed that the Government we have the honor to represent is *de facto* the Government of Texas, and therefore entitled to *recognition* upon the principles which have regulated the Government of the United States in its intercourse with foreign nations. We had also a *conversation* with Mr Forsyth on the subject, and are by appointment, to have another, more at length in the course of next week; after which it will, probably, be in our power to give you a more satisfactory opinion with regard to

[a] Draft in Childress's hand; signature original; endorsed "(Public Dispatch) Please forward it and oblige Robert Hamilton Geo. C. Childress,"

the probability of the Independence of Texas being recognized during the present session of Congress.

Col Carson has not yet arrived, but is daily expected. We shall, of course consult with him upon every subject connected with the interests of Texas.

In conclusion allow us, my dear Sir, to suggest the importance of keeping us *promptly* advised of every thing material which may occur. We entreat that a communication shall be made to us once a week, regularly, sending duplicates for fear of miscarriage, one via New Orleans the other via Fort Jessup. We will do ourselves the honor to address *you* (*Col Carson being absent*) as soon as we have our next interview with Mr Forsyth at which something important will probably transpire.

With great respect, we have the honor to be your obedient Servants.

GEO. C. CHILDRESS
ROBERT HAMILTON

His Excellency
DAVID G. BURNET
President Republic of Texas

FORSYTH TO BURNET.[a]

Private

WASHINGTON, *25th June, 1836.*

SIR,

I have the honor to introduce to you Henry M. Morfit, Esquire, of this City, who has been chosen to endeavor to procure more accurate and detailed information than that now in possession of the President of the United States, relative to the civil, military and political condition of Texas. I will thank you to facilitate Mr Morfit's inquiries in any way you can.

I have the honor to be,
Your Excellency's most obedient servant,

JOHN FORSYTH

His Excellency,
DAVID G. BURNET,
etc etc etc

AUSTIN TO BURNET.[b]

AT J. H. BELLS *Saturday July 2 1836.*

DR SIR,

I have seen Santa Anna—he will write a letter to President Jackson requesting his mediation to terminate the war on the basis of a recog-

[a] L. S. [b] A. L. S.

nition of Texan independence etc I will send this letter by the express to Gen. Gains and also a copy of it to him (Gains)

I am satisfied that Santa Anna wishes to end the war, and stop the advance of the Mexican army—how is this to be done? You will answer me by asking the same question. When I come down I will try to answer it.[a]

Yours

S. F. Austin

Carson to Burnet.[b]

Washington City *3rd July 1836.*

To His Excellency

David G. Burnett, *President.*

Sir

Your letter of 23rd May has been answered by a private communication of the 29th ultimo, a copy of which accompanies this, lest the one sent by mail via New Orleans, may fail to reach you. Despatches from Natchotoches and Nashville I hope have reached you. Perceiving from the Newspapers of this country, and a letter from Mr Austin, dated at New Orleans, that an amnesty has been entered into, and the war (at least for a time) terminated, I shall suspend any further efforts in regard to forwarding troops etc.

On my arrival here I found the President favorably disposed, but fearful of action lest the censures of the world, or at least the civilized world might fall upon him. It has been suggested to me that he is surrounded by an *atmosphere* which produces unnecessary fears and apprehensions, or he would act promptly. The debate and vote of the Senate was a triumphant manifestation of feeling on their part towards us. The House of Representatives will doubtless pass the resolutions on monday the 4th instant, which being the great anniversary of the independence of this, our native country, will produce fine effect and influence upon the public and the world; it is indeed too significant to be misunderstood. I send you the Telegraph which contains a brief outline of the proceedings of the Senate; the vote was unanimous. The committee of Foreign Relations, in the House of Representatives, are ready to report the resolutions of Mr. Clay, as amended by Mr Preston, verbatim, but have designedly postponed the final action of the House till Monday the 4th. in order that it may be passed and *bear date* on that memorable day.

[a] The remainder of the letter relates to the internal affairs of Texas.

[b] The original signed autograph letter is in the archives and is endorsed "Rec. 10 Sept"; it is however, so damaged by water as to be for the most part illegible. The letter as here printed follows the copy in the Records of the Department of State (Texas), Vol. 34, pp. 32–36.

The venerable James Madison died on the 28th. ultimo, due honors will be done to his memory by this great Nation.

On yesterday I dined, by invitation, with the President. I had entered the palace (as it is called) but a short time before the following conversation took place between him and myself.

President. "Is it true, Mr Carson, that your Government has sent Santa Anna back to Mexico in company with your Vice President and others?"

Carson. "A letter has been received, Sir, which states that he was to sail on the day the letter was dated, or the next day for Mexico, with Vice President Zavala and Mr Hardeman as ministers to negotiate the final recognition of our Independence upon a basis arranged by the Government of Texas and Santa Anna."

President. "Then I tell you, Sir, if ever he sets foot on Mexican ground, your Government may whistle: he, Sir, will give you trouble, if he escapes, which you dream not of."

Carson. "He will be on board of one of our armed vessels, and I hope the negotiation will be carried on from Vera Cruz, without permitting him to land."

President. "I tell you, Sir, if that vessel goes within range of the Guns of the Battery of Vera Cruz, they will capture the vessel, release Santa Anna and take the head off your ministers or imprison them."

Carson. "Then, Sir, I tell you and the world, that should such be their conduct, that it will not be six months till an army composed of your own countrymen in part, and of Texians will be at the walls of Mexico, and ample revenge shall be had."

President. "Where is your means, Sir, to carry on an offensive war against Mexico?"

Carson. "In the enthusiasms of the American people, their devotion to the cause of Liberty and the ways and means, to defray the expenses of the War, will be found in the coffers of the villianous Priests of that country."

Dinner was then announced which broke off the conversation. I confess I felt the same apprehension expressed by the President, but you know whatever my feelings or fears may have been I would, of course, justify, rather than condemn the policy of the Government. In the total want of communications, from the Government, with regard to the reasons which actuate them, and indeed as to their whole policy and action except as I gather it from Newspapers and letters from individuals of Texas written to their friends in this country, I am at fault how to act and indeed frequently subjected to mortification, because of my inability to answer questions put by our best friends here, and who wish to shape their course in conformity to the wishes and measures of Texas.

July 4th

The House of Representatives have just passed the resolutions of the Senate; the vote stood on 1st. Resolution 128 to 20, on the 2nd. 113 to 22. This overwhelming majority speaks strongly the feelings of the American people. Members were, doubtless apprised of the feelings of their constituents and have only spoken their wishes, but have not gone as far as the people would have justified.

I am in daily expectation of Mr Collinsworth and Col. Grayson, they have not yet arrived.

Mr Hamilton is in Philadelphia, feeling the pulse of the Capitalists, and will proceed to New York. It appears, from his correspondence, that a recognition by this Government of our Independence is made a sine qua non by capitalists.

We hope, however that the passage of the resolutions, referred to; by both Houses of Congress, will produce a happy effect. The news of this morning, however, via New Orleans, from Mexico may counterbalance the effect which the resolutions would otherwise have produced. The news is that Mexico has abandoned Santa Anna to his fate, are organizing Fifteen Thousand Troops to march upon Texas etc etc; all of which you are doubtless advised.

An agent has been sent by this Government to Texas to ascertain our condition, our force, our means of defence and capacity to defend ourselves, and to organize and carry on a Government etc.

He is a secret agent, but I presume he will make his business known to you. His name is Maffett.[a]

Should this reach you before his arrival, you will understand his business, if he should not explain it, and can be prepared for him.

I shall leave this tomorrow for Philadelphia and New York to give what aid I can in obtaining a loan for our Government,—will write you of our success etc.

I must conclude this communication with the expression of my entire approbation of the course and conduct of our agents Messrs Hamilton and Childress, and also of the various efforts of the agents of the Provisional Government, whose reputation, as Gentlemen and Patriots, stand very high in this Country. My gratulations are tendered upon the present prospects of Texas.

With high consideration I am
Your Excellency's Obt Servant,

Sam P Carson
Secy. of State
R. T.[b]

P. S. This communication was intended to have been sent sooner, but detained till I could see the *whole* action of Congress

S. P. C.

[a] Morfit. [b] Republic of Texas.

SANTA ANNA TO JACKSON.[a]

SANTA ANNA TO URREA.[a]

BURNET TO COLLINSWORTH AND GRAYSON.[b]

EXECUTIVE DEPARTMENT
Velasco 8 July 1836

To Messrs.
COLLINSWORTH AND GRAYSON—

GENTN

I had the pleasure to address You on the 20 uto. Since then nothing of very material importance has transpired. We are moving on smoothly. The people are turning out with great unanimity, and I am almost afraid we shall have more men in the field than the occasion will require. Of our ability to repel any attack the enemy may make upon us, there is no doubt. We have appointed the late Secty of War the hon. M. B. Lamar to the command of the Army. He acquired a deserved popularity in camp and I believe his appointment will meet with general satisfaction. The army is encamped in the vicinity of Victoria and is daily accumulating. A free and bold spirit pervades the Country and I doubt not the event of another campaign, should the enemy have the temerity to undertake one, will be more glorious than that which terminated in the battle of San Jacinto.

Genl Austin arrived here a few days ago. He visited the President Santa Anna at Columbia and another effort towards the adjustment of our difficulties with Mexico, was suggested by the distinguished Prisoner. He proposes to procure the friendly mediation of the government of the United States between Texas and Mexico and has addressed a letter to President Jackson, a certified copy of which I enclose to You, in furtherance of this object.[c]

As peace on honorable terms ought always to be desirable to a christian people, You will do all in your power to facilitate and give prompt effect to this endeavor of the Captive President of Mexico to terminate the war on the basis of an unqualified recognition of the Independence of Texas. Should your present powers be considered inadequate to Your effectual action in this matter, You are hereby in-

[a] July 4, 1836. See Burnet to Collinsworth and Grayson, July 8, 1836.
[b] In Burnet's hand, except the signature and postscript.
[c] [Note by President Burnet.] "The original of this letter was transmitted to President Jackson by Genl Austin some days ago, enclosed to Genl Gaines."

vested with full authority to present to the government of the United States the Solicitations of this government concurrent with those of the Mexican President for the amicable mediation of that high power to procure an adjustment of the difficulties existing between Mexico and Texas on the cardinal principle above Stated.

I also send You copy of a communication which the President Santa Anna has addressed to Genl Urrea the present Commander in chief of the Mexican forces intended to operate in Texas. The effect that this letter will produce on the mind and movements of the belligerant Chiefs is of course problematical, but it certainly imports an earnest desire of the President to terminate the war. I have sent the letter to General Lamar, and Submitted the management of it in some measure to his discretion. He will probably communicate with Genl Urrea and we shall soon learn the result of this branch of the experiment.

I sometime ago addressed a letter to General Gaines of the United States Army on the subject of the Indians of our frontier and suggested to him the possibility of a combination of the several tribes west of the Mississippi in which event some bands within the limits of Texas would unquestionably unite with their more northern kindred And I assured Genl Gaines that should he consider it expedient and likely to secure peace among those Tribes to establish his head quarters at Nacogdoches, such a measure would be perfectly satisfactory to this government.

We entertain a hope that by this time the Government of the United States have favored us with a formal recognition of our independence and also that You will have received the expected information in relation to the second object of Your mission. It is important that the result of your enquiries be made known before the approaching election in September.

(Signed) DAVID G. BURNET.

P. S. I also transmit to you copies of the treaties lately concluded between this Government and President Santa-Anna, in as much as it may become necessary to refer to these documents in relation to the contemplated mediation.

It will be very evident to you that the secret Treaty should be carefully kept from the PRESS.

This copy has been taken from the one in possession of President Santa-Anna, who has transmitted a copy to President Jackson.[a]

(Signed) DAVID G. BURNET.

[a] For both treaties see *House Journal*, 1st Tex. Cong., 1st Sess., pp. 24–26.

Duplicate.

COLUMBIA, TEXAS, *4th July 1836.*

His Excy. PRESIDENT ANDREW JACKSON.

REGARDED SIR,

In fulfilment of the duties which a public man owes to his native country and to honor, I came to this soil at the head of six thousand mexicans. The disasters of war, which circumstances rendered inevitable, have reduced me to the situation of a prisoner, in which I still remain, as you will no doubt have been informed.

The good disposition manifested by Don Samuel Houston, Commander-in-chief of the Texian Army, for terminating the war, and by his Successor, Don Thomas J. Rusk; the determination of the President and Cabinet to make an honorable arrangement between the contending parties, and my conviction: have given rise to the Agreements, of which I annex copies, as also of the orders issued by me to General Filisola, my Second in command, for him to retire with the remainder of the mexican Army, from this river Brazos, where he then was, to the other side of the river Bravo del Norte.

As there was no doubt that General Filisola would scrupulously fulfil all that part which related to him, the President and Cabinet had taken measures for my return to Mexico, to enable me to complete the other stipulations and I had, in consequence, embarked on board the Schooner Invincible, which was to convey me to the Port of Vera Cruz; but, it unfortunately happened, that some indiscreet persons raised a tumult, which obliged the Authorities forcibly to land me and again to place me in close confinement.

That incident prevented my arrival at Mexico, since the beginning of last month, which has induced that Government, ignorant, no doubt, of what had occurred, to take the command of the Army from General Filisola, ordering Genl. Urrea to whom the command has been given, to go on with his operations, in virtue of which, the latter General is now at the river Nueces, according to last accounts.

In vain have some men of foresight and well-disposed, endeavoured to show the necessity of repressing the passions and of my return to Mexico, as it was agreed upon. The excitement has gathered strength with the return of the Mexican Army to Texas. Such is the present state of affairs. The duration of the war and its disasters are therefore necessarily inevitable, unless a powerful hand interpose to cause the voice of reason to be opportunely listened to. It appears to me, then, that it is you who can render so great a service to humanity, by using your high influence to have the aforesaid Agreements carried into effect; which, on my part, shall be punctually fulfilled.

When I agreed to treat with this Government, it was under the conviction that for Mexico to continue the war, was unnecessary. I

have acquired correct information of this country, of which I was ignorant four months back. I am sufficiently zealous of the interests of my country not to wish for her that which is most suitable. Always ready to sacrifice myself for her glory and welfare I would not have hesitated to prefer suffering torments or death, rather than consent to any arrangement whatever, if by such conduct an advantage had accrued to Mexico. My full conviction that it is more expedient to settle the present question by political negotiations, is, finally the sole motive which induces me to agree sincerely to what has been stipulated. In the same manner do I make to you this frank declaration.

Be pleased, then, to favor me with like confidence: afford me the satisfaction of preventing evils near at hand, and of contributing to do the good which my heart dictates: let us establish mutual relations to the end that your Nation and the Mexican may strengthen their friendly ties and both engage amicably in giving existence and stability to a people that wish to figure in the political world; in which they will succeed within a few years, with the protection of the two Nations.

The Mexicans are magnanimous when treated with consideration! I will make known to them with purity of intentions the reasons of conveniency and humanity which required a frank and noble conduct, and I do not doubt they will adopt it, when conviction has worked upon their minds. This manifestation will convince you of the sentiments which animate me, and of those with which I have the honor to be,

Your very devoted, obedient Servant

ANTO. LOPEZ DE SANTA ANNA.

A true translation.
Velasco 8th July 1836.

EDWARD GRITTEN

COLUMBIA, *4th July 1836.*

To

DON JOSÉ URREA; *Commander-in-chief of the Army of Operations,*
Wherever he may be.

ESTEEMED FRIEND,

I have learned that the command of the Army has been taken from General Filisola and that the Supreme Government has ordered you to place yourself at the head to continue operating against this country; and as I consider that the war should, at once, cease between Mexicans and Texians, because it is better to terminate the present difficulty by political arrangements, I am of opinion that you ought

not to continue your march, but to halt at the most suitable place; for, I have no doubt, that when you communicate officially to the Commander-in-chief of this Army "that so soon as my person has been set entirely free so that I can join you, you will withdraw the army under your command to the other side of the river Bravo del Norte, without committing any act of hostility whatever" I shall then be able to proceed to wherever you may be and continue my journey to the capital of the Republic.

The bearer of this should be treated with all the attention that my friendship can require of you, and by him you can send, as suggested, the aforementioned official note and propose giving every possible security, to be included in an Agreement which you can enter into with the said Commander-in-chief, in order to remove all distrust and all further obstacle to my return to Mexico, which you are sensible, is now very necessary for the adjustment of the present difficulty.

I trust that the orders you may have received from Mexico will not prevent your yielding to this suggestion, and on my arrival at the seat of Government you shall be free of all responsability and compromitment.

Show this to the Generals and Chiefs of the Army, which they are to consider as addressed to them, and with wishes for your good health,

I remain,

Your most affte Friend

Who kisses your hands

A. L. de Sta Anna.

A true translation.

Velasco 8th July 1836.

Edward Gritten

Carson to Burnet.[a]

Philadelphia *9th July 1836*

To His Excellency

David. G. Burnet, *President*

Dr. Sir,

Mr. Wharton and Mr. Howard who are the Bearers of this and my despatches to the Government have been detained for want of a Vessel, but will get off tomorrow on board a Schooner direct for Galvestown: The Vessel which carries them will also take a number of Volunteers from this place the precise number you will be advised

[a] Part under date of July 10 in Carson's hand; signature original.

of by the Bearers. These two Gentlemen to whom this will introduce you are of respectable families and are recommended to me by Various Gentlemen in whom I have the highest confidence as worthy of attention and promotion. They will probably prefer a situation in the Navy I hope you will have it in your power to advance them. Mr. Hamilton is with me, and this day we have a consultation with one of the largest business men of the City upon the subject of a loan, should any arrangement be concluded you shall be for[th]with advised. Messrs. Collinsworth and Grayson had not arrived at Washington City when I left, which was thursday last. The President will leave there for the Hermitage to morrow, and will be absent for some months. I send you the New Orleans Bee of the 20th Ultimo, to show its Tone etc. I have learned since my arrival here, that the Mexicans had purchased the Bee, and that it is now the Vehicle of their falsehoods and Villanies. I will leave this open until to morrow.

Same date.

Mr. Hamilton and myself have just returned from seeing Mr. Thomas Biddle and Mr. Hodge Capitalists of this place and from the bearing of their conversation they wish *Land*, not the "*hypothecation*" only, but the Land in fee, at a price to be negociated etc. They were explicitly told that no power had been given by the Convention to alienate Lands, but simply to pledge on the faith of the Government of Texas for the payment of the principle and Such interest as might be agreed on. After a Long talk it was determined that we should go on and open a negociation in N. York, we therefore shall have to try the capitalists there, of the results you shall be advised; more in the morning

July 10th

Nothing has transpired since yesterday. My friend who copied for me left this morning and I now have all my writing to do which occupies me verry much. My correspondence is extensive and gives me much trouble I cannot however think of adding any thing to the expenditures of the Govt. by employing a clerk or secretary. My own means are verry much reduced and economy is necessary till I can reinstate by my cotton crop. Have just learned that Messrs Collensworth and Grayson arrived day before yesterday at Washington City But for arrangements made to be in New York tomorrow I would return and see them, will make all haste to see them. I have spoken to a Gentleman well qualified, to go to Texas and set up a press for the Govt. He is to give me an answer on my return to Washington—price of press, all materials to carry on for 12 months to be furnished by him as well as to take the editorial department and supervision

of the establishment. His terms shall be forwarded to you and your answer recd. before anything definitive is done

In haste Yr Obt Servt and friend

SAM P CARSON

The latter parte in my own hand writing not copied [a]

COLLINSWORTH AND GRAYSON TO BURNET.[b]

WASHINGTON [CITY,] *15th July 1836*

SIR

We arrived here on the 8th [c] Ins' after have [d] been detained some days in consequence of low water and grounding in the Ohio River.

We omitted no ordinary exertions to reach this place before the adjournment of Congress but by unavoidable delays were disappointed.

On arriving here we were informed that the President of the U. States was on the point of setting out for the Hermitage, and that time would not admit of a formal interview. Under these circumstances (Congress having adjourned and most of the members left) one of us having had a long personal acquaintance with the President, deemed it not improper on the evening of our arrival to make a personal call; during which we were fairly led to infer from a communication [e] with him,[f] that he had sent a secret agent on the part of the government of the U. States to Texas with letters to the President of the Republick of the latter country: to prosecute various inquiries as to our situation, internal, Civil and Political, and that nothing conclusive would be done until Said commissioner was heard from.

We have had two interviews with Mr Forsyth since the departure of the President and find him but little disposed to be communicative in anything. But he has conversed with us in regard to the objects of our mission and has also stated that he knew the annexation of Texas to the U. States was a favorite measure of Genl' Jackson whenever it could be done with propriety. He informs us that he has forwarded to the President at the Hermitage the terms so far as disclosed by us (and founded upon our instructions), upon which an incorporation of Texas into the U. States would be acceptable to the former, and that he can do nothing upon the subject, until the opinions and action of the President is had thereon.

[a] Written in the margin.

[b] L. S.

[c] The duplicate, also on file, has "7th."

[d] Having.

[e] The duplicate has "conversation."

[f] Here the duplicate is followed. The original has a period after "him" and makes "That" begin a new sentence.

Under these circumstances it will be useless for us to remain here during the Summer.

One of us Mr Grayson will therefore return in a short time to Louisville Kty. and the other to Nashville Tenn' where they will both hold themselves ready to receive any instructions or obey any commands of their government.

Should it be desired that we should longer represent our government here, it will be necessary to make out new commissions and forward them to the last named places, as those we have, have been deemed inadmissible in consequence of having no seal. It will be seen by reference to our constitution that in absence of a seal of state the President may use his own private seal.

There is a further Omission on the part of the address to the President and secretary of State in omitting to state even the country they are from.

I know the difficulty of recollecting all these things without forms, and merely mention them to prevent the possibility of their being overlooked.

Respectfully your obedient servants

Jas Collinsworth
P. W. Grayson

To His Excellency David G. Burnet
President of the Republick of Texas

Austin, Archer, and Wharton to Burnet.[a]

To his Excellency David G. Burnet
President of the Republic of Texas.

Being appointed by the Convention of November last Commissioners for raising funds and other purposes in the United States in prosecution of our duties we arrived in New Orleans on the 1st of January 1836. On reaching that city we found that the government of Texas was without funds or credit, and that the quarter Master of the army and other agents were wholly unable to procure the requisite supplies of arms ammunition provisions etc. Under these circumstances we promptly exerted ourselves to make a flat loan at a fixed rate of Interest. This, however was wholly impracticable. Capitalists would not lend at any interest without obtaining lands in payment. Impelled by the urgency of our situation we effected a loan with Robe[r]t Triplett and others which has been submitted to and modified by your Excellency and Cabinet.

We are free to admit that the terms of this loan were not such as we would have dictated—but we are bold in asserting that a loan

[a] Draft in Wharton's hand, signatures original.

could not at that time have been effected on better terms and we saw that the immediate procurement of funds was indispensable. This being accomplished we started for Washington City through the Western States, making it our business to hold [meetings] at prominent points, for the purpose of explaining the justice of our cause, of obtaining Volunteers and of procuring memorials and petitions to the Congress of the United States for the recognition of the Independence of Texas. In addition to this we furnished the Members of congress with our printed addresses and essays in which we endeavored to develope and defend the origin principles and objects of the contest in which Texas and Mexico are engaged.

On reaching the Eastern Cities new obstacles presented themselves. The unhappy and violent differences between the late Governor (Smith) and his council were known and magnified. It was also believed that the convention of March would not declare for Independence and added to all this, we as commissioners had no power to sell the public lands. In a short time the fall of the Alamo, the Massacre of Col Fanins command, the retreat of our army, the supposed rising of the Northern Indians, the nonratification of the first loan and the neglect of the present Government to correspond with us and ratify our powers and appointment, presented insuperable difficulties. We were consequently only enabled to obtain a loan in New York on very disadvantageous terms, which has been submitted. Our main object in effecting this loan was to obtain the 10 pr cent. We did not bind ourselves to recommend its ratification and did not expect that it would be ratified unless the prospects of Texas were gloomy even to desperation. Subjoined is an account of our receipts and disbursements

Very Respectfully yours etc

B. T. Archer
S. F. Austin
Wm. H. Wharton

Velasco *21st July 1836*

Jack to Collinsworth and Grayson.[a]

Department of State
Velasco 23rd of July 1836.

Messrs Grayson and Collinsworth
Gentlemen

I have seen Mr Clay's report relative to Texas, but am not advised whether any action has been taken thereon since it was received.

[a] Records of the Department of State (Texas), Book 34, p. 42.

The report admits the physical ability of Texas, to sustain her Independence, but they seem to want evidence of our power (civilly) to perform the duties and obligations of a nation.

This evidence can only be furnished by time or they must take us upon trust. At the same time they will doubtless recollect, that we sprang from the same origin, that we have imbibed the some principles and have been educated in the same schools of republican and liberal institutions, of those very distinguished statesmen, who can boast of being members of the best Government in the world.

We have called a meeting of our Congress. The elections are to take place on the first Monday in September, and Congress will meet on the first Monday in October thereafter.

Being satisfied that our plan of being attached to the United States, would be much advanced by giving to that Government, the strongest possible evidence of our earnest desire, we have ordered the managers of the election, to take the vote, of every citizen, on that subject.

As to the result, there cannot be, at this moment, the least possible doubt. The question has advanced in popularity since you left here, and nothing is hazarded when I say, that nineteen out of twenty, most earnestly desire it; so much so indeed, that few would be disposed to enquire by what right, the United States obtained Texas? We believe that will be our ultimate fortune, and we fondly hope the time is not distant. It is said that Genl. Gaines has or will establish his head quarters at Nacogdoches. Should this be true, and the claim of the U. S. to the Neches, admitted by Mexico, it would have a most unfortunate influence on the balance of Texas; and I, for one, am prepared to say; "if you take part, take all."

In Mr Grayson's last and only letter, which I have received, he desires to know, if possible, what may be the probable Texas debt?

I have conversed with a number of Gentlemen, on this subject, who are well informed, and the current of opinion, seems to be, that it does not now exceed eight hundred thousand dollars.

You have doubtless heard that the enemy are again advancing on us. The last and best information on the subject is that the forces of Felisola,[a] which fled from Texas, are still at Matamoras, under the command of Urrea, that they may recruit there, and march on us, whenever they may conceive themselves sufficiently strong. I am of opinion they will not move till the fall. Our army now amounts to near three thousand and is augmenting rapidly. Probably will be four thousand in a short time. It is now at Victoria, and possibly will go to Matamoras, if a place can be had on no other terms, for the purpose of meeting the enemy.

[a] Filisola.

You have no doubt received a copy of Santa Anna's letter to President Jackson.

The fond hope is cherished, that something valuable may result from this, and that the farther effusion of blood may be suspended, by the friendly interposition of that Government.

Do you think a negotiation could, in any way, be opened through the Mexican Minister at Washington? Suppose you sound him indirectly, and, if possible, learn whether Mexico will consent to appoint commissioners, to meet ours, on neutral territory, for the purpose of settling the terms of a peace, based upon their recognition of our independence.

I am inclined to think this measure not very likely to succeed, but still it can do no harm.

Allow me to conclude with assurances of the highest personal regard

WM. H. JACK,
Sec'y of State.

GRAYSON TO JACK.[a]

WASHINGTON [CITY,] *July 30, 1836*

DR SIR,

Leaving this place with Majr. Collinsworth a few days ago on a short trip to Philadelphia, and passing through Baltimore, we took pains to obtain all the information possible in regard to two brigs of War, we understood the Mexican Government, by their Agent, were having built there, for immediate service in the gulf.

I doubt not that through the late Commissioners, our Government has already received some account of these Vessells: Genl Austin particularly when in Balto. having obtained information of them, from a person residing there, who was well acquainted with every thing, in regard to them.

As he, however could only speak of their state of forwardness, at the time he left, which is now something upwards of two months ago, I consider it important (Majr. Collinsworth being at present absent at N York) without delay to communicate what I know of their present condition, with my conjecture as to the time in which they will probably be completed. Having been, no later than yesterday, on board of one of them and but a few days before, seen the other, I am able of course to give certain information with respect to them.

The one I saw yesterday, deserves to be considered first, as she is in the greatest state of forwardness, and seems to be the one, that has been selected to be soonest fitted for sea. From what I was able to observe myself of her, and from the information I received from

[a] A. L. S.

competent persons, I came to the conclusion that she would be ready to sail between the 1st and 15th of September; in all *probability* not until the last mentioned date, and *certainly* not before the first mentioned. Both the Vessells are of the same size; about 110 feet long and made to carry, each Sixteen Guns and they Eighteen pounders. I would only say of them what will no doubt readily enough, Occur to you, that they are very formidable Vessells for our Navy; particularly as their construction is such as to make them sail well; full as well as the Invincible and even perhaps, better. This last idea I have from a person who knows the Invincible well and is moreover a good judge of such matters. There is however this consolation in regard to them, that when thoroughly fitted for service, with their Guns and all on board, they can not draw less than seventeen feet; a circumstance you know that will effectually shut them out of all our inland waters.

It is to be observed that they will sail from Balto. in no state of preparation for service; their Guns—powder—ball etc etc being all to be put down in the hold. This I *know* will be done in such a way, that they will be under the necessity of discharging every thing on shore, at some point in Mexico, before they can be in a condition to assume their character of Vessells of War. And there is no doubt that Vera Cruz must be the point for which they will be dispatched, as there is not I believe sufficient water for them, to enter any other suitable port in the country.

A consideration of these last mentioned circumstances has brought me to think a good deal of the possibility of intercepting one or both of these Vessells, before their reaching the protection of any Mexican port.

I know not what our Government has thought on the subject, or whether any expedient that seemed practicable has occurred to them, of getting rid of these fearful odds, that seem likely to come against them.

Uninformed as I am, of their Views in the matter, I may be permitted to mention a suggestion that has been made to me, of a plan to effect the object spoken of; say at present the interception of the Vessell that is first to sail.

I can say that the suggestion is from a person versed in such affairs, and warmly interested for the success of our cause. He proposes that 3 or 4 of our vessells of War should repair in good time to the waters near Vera Cruz, where with the advantage of good pilots, standing off and on, they can await the arrival of the Brig, which can easily be distinguished by her port holes etc, and her color, which I understand is to be black and white. She is, to be sure, to sail under American Colors, but as she is certainly to carry contraband of War;

she will consequently be liable to search—seizure and detention. Our vessells on seeing her can hoist American Colors setting the proper signal to speak, can easily approach her so near, as to become masters of her at once. As she will be commanded by an American Captn. and an ordinary merchant crew—all *unarmed*, there would of course be no resistance—to say nothing of the probability of their being but little disposition to resist, even with competent means.

I think we need care but litle about any risk of irregularity in the business,—since, altho' sailing under the American flag, the Vessell will not be American property, and consequently no American will be disposed to make any complaint about it.

If our Vessells could get to the waters near Vera Cruz by *the 20th of September*, it is certain they would be there in good time, and if by spending a few weeks in that service, they could indeed effect the object, I must say I think at least, that they could in no other way do so great a good to our cause.

What I have written I submit of course with proper deference to the judgment of my Government. Little Versed as I am in such subjects I would only be considered as offering suggestions which I know run some risk of being of no value. The mere chance however of their being something of a different character will I think serve as my excuse for making them.

After all it may be that some far better plan has been already thought of for the object in view.

Nevertheless if I shall ascertain or think of any thing further on the subject which I shall think important to be known I will not fail to communicate it immediately.

That something effectual may be done in the matter, I anxiously hope; for I give it as my opinion, that these Vessells would be able to clear the gulph of the whole of our Navy.

I enclose a Duplicate of the Communication made by Majr. Collinsworth and myself to the Government, on the 15th inst. This I do to meet the contingency of the Original having miscarried

Nearly all the Heads of Departments are at present absent from the city.

As soon as Majr. Collinsworth arrives here, which will be in a day or two, we will depart for our respective temporary destinations Louisville and Nashville.

I have the honor to be
Very respectfully
Yr Obt Servt

P W. Grayson

Honble Wm H. Jack
Secretary of State etc etc

GRAYSON TO BURNET.[a]

WASHINGTON [CITY,] *Augt. 2. 1836*

To His Excellency
DAVID G. BURNET
President etc

Sir,

I have the honor to inform you that the mail of last night brought to my hands (Majr. Collinsworth being yet absent) your Communication of the 8th ulto. with its enclosures. That of the 20th of June to which you refer[b] has not yet been received. So that, the one of last night, was the *first* official intelligence received by us since our arrival here.

This morning at the earliest hour of admission, I went to the State Department, to have a conference with the Present Acting Secretary of State, Mr. Dickens, the incumbent Mr. Forsyth being absent on a visit to the North. I enquired of him, if as yet any intelligence had been received at the Department of the Communication of Genl. S. Anna, to the President of the United States—to which he replied in the negative.

By our previous Communications you have been informed that Genl. Jackson had gone to the Hermitage. So that it is probable the letter of Genl. S. Anna will reach him there direct, without coming by Washington; certainly so, if, as it is probable, Genl. Gaines was aware that the President had gone on a Visit to Tennessee In a few days there is no doubt, there will be intelligence at the Department here, on the subject. by which we shall learn the action that Genl Jackson may have determined to take with respect to it.

With respect to the solicitation on our part for the mediation of this Government, although we shall of course do all in our power, in urging it, nevertheless we feel a good deal embarassed for the want of the proper letter of credence, that is to say, one made out with all the requisite formalities of a *Seal* etc. Mr. Forsyth politely gave us to understand, that he would be happy to see us at any time we might desire to converse with him; but left us to infer pretty plainly that we were not in strictness, *accredited Agents*, on account of the informality of the papers conferring our authority. He intimated moreover, that some advice from our Government addressed to this, was at least of formal necessity, in regard to the persons previously here in our character, whose functions have ceased by our appointment.

If we are to continue here, of the necessity of which you and your associates in the Government will of course judge from circumstances presenting themselves, I have to request that all these formal particulars I have mentioned will receive their proper attention. Besides

[a] A. L. S.

[b] This letter has not been found.

this I would suggest that it will be proper to have made out and sent on to us a regularly authenticated Copy under the Seal of the State, of that portion of the Ordinances of the Convention, which established the present Government ad interim. This is necessary to show its regularity, since in the Constitution proper as printed, nothing appears, that has any reference to the present Organization.

The intimation given in our previous Communications that we would both leave Washington for a short time, for Nashville and Louisville respectively, I have this morning on reconsidering the matter deemed it prudent to revoke; and have determined myself to remain here, whilst Majr. Collinsworth is absent at Nashville, where by having the opportunity of intimate conversations with Genl. Jackson he can render the most essential service.

I think it best that one of us should remain here constantly, until it is deemed proper that both of us should return home.

Allow me to hope, that as frequently as it may be convenient, you will keep us advised of the state of things in our country and of whatever it may be desired of us to do.

I have the honor to be
Very respectfully
Yr Obt Servt.

P W. Grayson

Burnet to Collinsworth and Grayson.

Executive Department
Velasco 9th Augst 1836.

To the honble
P. W. Grayson
and
James Collinsworth
Commrs etc.

Gentn

I transmit to you a decree of Blockade of the Port of Matamoros etc

An actual force is ordered to that Station competent to effectuate the Blockade in fact.

We have no late intelligence from the Enemy that can be relied upon. From present appearances, I do not apprehend a speedy visit from them. Many of the Settlers have returned from the Army to their homes, but they are always ready to take the field in defense of the Country, and their just rights.

Yours in haste

(Signed) David G. Burnet

BURNET TO COLLINSWORTH AND GRAYSON.

EXECUTIVE DEPARTMENT
Velasco 10 Augt 1836

To the hon.
JAMES COLLINSWORTH
and
PETER W GRAYSON
GENTN

I enclose you copy of Mr Jacks letter to You of 23 ulto. Mr Jack has recently resigned his charge of the State department and is a candidate for Congress. The electioneering campaign has opened with Some activity and will probably be conducted with a good deal of Spirit. Austin is out for the Presidency. Archer is talked of by a few. No other candidate has yet passed the curtain.

Since our last communication to You we have been made to feel some little inquietude on the subject of the northern emigrant Indians of Texas. It is said on very credible authority that Several Chiefs of the Cherokee and other tribes had been at Matamoras, holding councils with Genl Urrea and negociating a treaty of alliance with him. Their council fires have been lightened [sic] within the wigwams of our enemy, and it may be, the war-whoop will soon be heard in our land.

These Cherokees and their associate bands are in truth Indians of the United States—they are recent emigrants from that Country and have been thrown into our territory, by the peculiar *transplanting* policy of that government. I therefore conceive that they come, objectively, within the purview of that clause of the treaty between the Republics of Mexico and of the U States, which relates to the Indians of the respective contracting parties. This government feel that they are entitled to any beneficiary provision contained in that treaty which relates to Indian hostilities, as this portion of the then Confederation of Mexico was the only one to which that clause of the treaty could have any practical reference. Treaties have a territorial as well as a political relation and the disruption of the Confederacy of Mexico and the Severance of Texas from the new government established over the residue of that Country, cannot deprive Texas of the benefits of that portion of the Treaty which has a peculiar and exclusive application to *its* territorial circumstances. Those benefits may to be Sure be superseded by a subsequent and separate treaty made between the Governments of Texas and the United States, but no such treaty has yet been celebrated. Until it is, Texas has a right to expect, as a late integral portion of the Confederate Sovereignties of Mexico, the advantage of a treaty made with that confederacy and having special and peculiar relation to her own territory.

Independent of this abstract right which we would advance with some diffidence we rely confidently upon the generous sympathy which has been so abundantly manifested by the people of the United States in our behalf, for a liberal and humane interpretation of the obligations of that treaty and for a practical extension to their "Kindred according to the flesh", of all the benefits that were intended, in the original ratification of that treaty, to be conferred upon them.

I therefore entertain a hope that the contemplated hostilities of the Cherokees and other lately Northern tribes located, without invitation or permission within the jurisdiction of Texas: will be restrained by the just and humane interposition of their foster government of the United States. It is not to be imagined that they would hazard the displeasure of that government, for any dubious gratification or advantage which the promises of our Semi-Savage enemies may have profered to them.

You will be pleased to give to this Subject your profound attention and to make such communications to the Executive at Washington in relation to it as may seem meet and best adapted to the attainment of our object, which is to Secure the neutrality of those Indians in our contest with Mexico. Genl Gaines is well disposed towards us and a mere verbal indication on his part would effectually restrain the warlike habitutes [sic] of the northern tribes resident, without leave, within our borders.

We are moving on in tolerable tranquility. The late disquietudes of the army have in a great measure Subsided and there prevails a disposition to improve the internal as well as defend the external interests of the country The Civil authority is fully recognized and predominant, and the military manifest a disposition to recede from their late assumptions of undue power.

We have not yet had the pleasure of hearing of Your arrival at Washington I have observed that the President has left Washington for Tennessee, which I fear took place before You had an opp[ortunit]y of an interview with him. The assignment to the Executive of the discretion to acknowledge our nationality makes it very important that You should confer with that high functionary as early as practicable.

Our writs [of] election are out. Congress [is] to hold its session at Columbia—to meet on the first Monday of October. We are quite impatient to hear from You

Your obt Servt

DAVID G BURNET

I send you the first number of the resuscitated Telegraph. It contains the Constitution etc

GRAYSON TO JACK.[a]

WASHINGTON [CITY,] *Augt. 11, 1836*

DR SIR,

I have just received your unofficial of 15th ulto and was at the moment just sitting down to address you further on the subject of the Mexican brigs, fitting out at Baltimore.

In my communication to you, under date of the 30th of July with respect to these Vessells, I stated that the first one would sail between the 1st and 15th of September and not sooner—on yesterday I learned that extraordinary exertions have been making to get her ready and that she will very probably sail by the 25th of the present month. If the plan I suggested of taking her at Vera Cruz be received as worthy of attention, I would recommend that our Vessells be in the Waters near there, something earlier, than the 20th of September (the time mentioned in my last) to make still more sure of being in good time—say by the 10th if it is possible. As it may be, that my letter to you of the 30th of July may have miscarried, I will here state briefly to you, the plan therein suggested. Three or four of our Vessells, to be standing off and on, near Vera Cruz waiting for the Brig, when they see her to hoist American colors, make signal to speak, and getting near enough, bring her to—etc. She will be in no condition to make resistance; her Guns etc etc being all down in the hold *certainly*. Her Captn and crew will be all *American* and no more than the common compliment [sic] of a Merchant Vessell. Having contraband of war, on board, she will be liable of course to search seizure etc etc. As she will not be *American* property (tho' under American colors[)], we need not care much about any little irregularity in the business of taking her.

There will be no difficulty in recognizing her,—her color black with a white streak.

I hope the trial will be made in the way I have mentioned, if no other plan has been thought of—for I assure you the Vessell is quite too formidable for us at present and would eventualy cut off our intercourse with N. Orleans.

As to the other Vessell, I will observe her progress and give timely notice.

With respect to the expected invasion of Texas, I have with you my apprehensions, though there seems at the present, every probability of such a revolution in Mexico, as may postpone operations for a while. From the Accounts in the papers, which you have no doubt seen, ere this, pronunciamentos are taking place, in favor of Federalism, in all directions, without any molestation from the Government, and writers from different parts of Mexico, express the

[a] A. L. S. Endorsed on back " Forwarded by yr. obdt. Serts. T. Toby & Bro. pr. J. B Clark "

opinion merely, that the invasion of Texas will be for a time suspended.

It seems the Acting Presidt. has resigned, and Aleman[a] is spoken of as his successor, but I think from my knowledge of him he will not accept. The forced loan which you have seen decreed is said to be so unpopular, that not much good is expected from it.

Notwithstanding all this, they may make out to harass Texas not a little.

It is a week to night, since Majr. Collinsworth left this [city] for Nashville, to see Genl Jackson and urge the mediation, solicited by S. Anna and equally by us. I shall write to him by the mail of tonight.

As I have said before, there is in my mind no doubt that the present Administration, *can carry the measure of* Annexation. Genl Jackson feels the utmost solicitude for it and we know how much that will count.

You mention nothing of the Agent, from this Government having as yet arrived among you. I fear he will behold a confused state of things. But if his report should be unpropitious for *recognition*, it will I think be *good* for *mediation*—which for my own part I should like to see proceed on any terms which the United States might deem *consistent with our honors*, even if they should think some *consideration* was due to Mexico, in the adjustment of the business. What but an unreasonable sort of Pride could make any one opposed to this?

As I intend to make pretty regular communications whether I have any thing important to say or not, I will for the present conclude.

Having the honor to be
Very respectfully
Yr Obt Servt P. W. Grayson

Honble
Wm H Jack
Secretary of State etc etc

Burnet to Grayson.

Executive Department
Velasco 12. Sept. 1836.

To hon
Peter W. Grayson
Sir

I had the pleasure to receive yours of 15. July and also of 30. July.

We had before heard of the two Brigs and have conceived divers projects for laying violent hands on them. Whether any will succeed is problematical.

[a] Alamán.

The election is closed. The result is not positively known but no doubt is entertained that Genl. S. Houston is the President-elect. Lamar Vice. Wm H. Wharton is thought to be elected to the Senate—his brother and Dr. Archer to the Other branch

Congress will soon meet and I do not consider it expedient to proceed any further in relation to the Commission to Washington The subject will be taken up at an early stage in the session

Your Obt Sevt

Signed DAVID G. BURNET

Mr. Jack has resigned
vacancy not yet filled.

BURNET TO COLLINSWORTH.

EXECUTIVE DEPARTMENT
Velasco 12 Sept. 1836

To hon
JAMES COLLINSWORTH

DEAR SIR

I had the pleasure to receive your letter of 15. July apprising us of your arrival in Washington etc etc. I trust you have availed yourself of every opportunity to make a favorable impression on the mind of the venerable President of the U. S. Your long personal acquaintance with him gives you many facilities for this purpose.

Our elections are over and there is no doubt that Genl Houston is the President elect—Lamar, vice P. Wm H. Wharton is probably [chosen] for the Senate. John A. W.[a] and Dr. Archer lower house

The meeting of Congress is so near at hand that I do not think advisable to anticipate that time in the appointment of an Agent for Washington. One at least will doubtless be appointed soon after its assemblage

in haste
your Obt. Sevt

Signed DAVID G. BURNET

GUARANTEE OF HENDERSON TO COOPER.[b]

GRAYSON TO BURNET.[c]

LOUISVILLE *Novr 3, 1836*

To His Excellency
DAVID G. BURNET
President etc

SIR,

Some ten days ago I arrived at this place from Washington, where I had remained until the 11th. ulto., expecting to receive the

[a] John A. Wharton.
[b] September 29, 1839. See Van Zandt to Jones, June 5, 1843.
[c] A. L. S., in Austin Papers.

credentials of our Commission, in the form which had been pointed out by Majr. Collinsworth and myself, as necessary to give us official intercourse with this Government. Not receiving them as I had been expecting and being not a little weary of my *unrecognized character* at Washington, I concluded to come to this place and await the determination of my Government on the subject of its further intercourse with this. A few days more I take it for granted, will bring us information whether our services will be longer required in this Country. Majr. Collinsworth is I suppose still at Nashville, though I have not had the pleasure of hearing from him, since a short time before my departure from Washington.

On the subject of the recognition of our Independence by this Government, I can add but little to the conjecture you would yourself naturally form in regard to it, which would be no doubt, *that it would take place at the earliest moment that circumstances would at all justify it in the eyes of the world.*

I know from undoubted authority the warm inclination which is felt by the Executive of this Government, to adopt such a course in regard to us, as would the soonest bring about *all the objects we have in view.* But I think he will delay the recognition, until he shall have further observed the course of our Civil administration; by which our capacity for regular government may be sufficiently and suitably tested. Our Independence of Mexico, seems to be a fact universally conceded.

The recent departure of the Mexican Plenepotentiary Mr. Gorostiza from Washington[a] has given rise to some speculation with respect to its probable consequences. Some predict an immediate rupture between this Government and that of Mexico. I confess that I myself look only for further *sparring* between them; in as much as Mexico, no matter how much she may feel herself aggrieved, can hardly think of resorting to force with a country that certainly has the power to blot her out of existence.

There is pretty good authority for the fact that Mr Gorostiza previous to his departure required the recall of the U. S troops from beyond the Sabine. As we know from the published correspondence that took place some time ago between him and Mr Fo[r]syth, that he strongly remonstrated against troops going over in the first instance, it is quite likely that he sould have brought the question to a practical issue by requiring them in direct terms to *come back.*

To the last application he, of course received the same response which he did to his first remonstrance on the subject.

If he has said any thing further of late, on the other matter complained of some time ago, namely the getting up of volunteers in

[a] Because of occupation of Nacogdoches by U. S. troops. U. S. Pub. Docs. 291, Doc. 256, p. 65.

this country, for Texas, etc. we may be sure that upon this point as on the other he remains in the same unsatisfied condition; this Government in neither case having thought fit to change the line of conduct which it adopted at the beginning.

In my last communication to you from Washington I informed you of the unhappy condition of our vessells the Brutus and Invincible at N York, for the want of funds, etc.

Mr. Williams who had been anxiously looked for to supply them had not arrived at the period of the last advices I received from N York, before leaving Washington; but he has reached there since as I have reason to suppose and I hope in time to furnish the desired relief.

In regard to the sale of Land Scrip, it is perhaps needless for me to inform you of what you have no doubt already learned, that it is exceedingly dull and difficult.

I have the honor
to be
very respectfully
Yr Obt Servt

P W Grayson

Collinsworth to the President of the Republic of Texas [Sam Houston.][a]

Brazoria
Nov. 13th, 1836

To the President of the Republic of Texas

Sir the undersigned in conjunction with P. W. Grayson Esqr. was appointed on the second day of June last, comissioners on the part of this government to the court of Washington. The duties with which they were charged will appear by a record of their credentials and instructions on file in the office of the Secretary of State.

They accordingly repaired with as little delay as possible to Washington City. When they arrived there they found congress adjourned and the President of the United States on the point of setting out for the Hermitage. The undersigned impressed with the importance of an interview with him previous to his departure from the seat of government, called on him immediately. He briefly informed me that nothing could be done until he heard from an agent despatched from the government of the U. States to the government of Texas to inquire into the civil and political condition of the latter country. But refered us to Mr Forsyth Secretary of State for all further communication on the subject. We saw Mr Forsyth and presented our credentials, they were formally objected to for the omission of the seal

[a] A. L. S.

of the State being affixed to them. We immediately wrote to the President of this Republick informing him of the fact and requesting him either to supply the omission or grant us leave to return. Informing him also that the undersigned would repair [one] to Nashville and the other to Louisville and await orders.

A short time afterwards it was deemed more expedient that one should remain at Washington as something might arrive or occur that would render even an *unauthorized* agent of Texas useful at that place. Upon consultation between Mr Grayson and myself it was determined that he should remain at Washington and that I would repair to Nashville where I would be more likely to have an opportunity of discussing the objects of my mission with the President himself, at the Hermitage to advantage than even at Washington. I accordingly repaired to the former place and Saw him frequently while there. He informed me in substance that nothing could be done until the Congress of Texas met and organized a more formal and regular government, than that then in existence. Deeming myself without power to act and anxiously awaiting the orders of my governnment, I determined to remain at Nashville until I could hear from the President of this republick.

On the 21st of Oct last I recd the enclosed letter marked A. which I considered as finally ending any pretence of authority on my part to act as an agent of this government,[a] and I accordingly set out for this place the next day.

It might be further necessary to state that previous to the arrival of the letter last refered to: I had addressed a letter to the President of the U. States a copy of which if desired I will furnish, briefly setting forth the objects powers and policy of the subjects with which I was charged.

Without pretending to have received any official information upon the subject, which of course I could not do for the reason above stated, I think [I] may safely hazard the opinion that the present ex[ec]utive of the United States *is in favor* of all the measures contained in our instructions. Should the present government believe in the same policy, I cannot too forcibly impress upon them the necessity of despatching some one forthwith vested with plenary powers to the court of Washington, as in my opinion much may be endangered by delay to bring these matters before the approching session of the Congress of the United States at an early period of its session.

With this brief view of the subject I remain your ob't ser't.

JAS. COLLINSWORTH.

[a] This was probably Burnet's letter of September 12.

AUSTIN TO WHARTON.[a]

REPUBLIC OF TEXAS
DEPARTMENT OF STATE
Columbia Novr. 18th 1836.

General instructions to the Hon. W. H. Wharton, Minister Plenepotentiary to the United States of America

To the Hon: W. H. WHARTON
SIR,

You will herewith receive your Commission and credentials as Minister Plenepotentiary of Texas, to the United States of America, and also copies of the declaration of Independence, of the Constitution, and other acts and proceedings in relation to the organization of the Government of Texas, to be used as you may deem expedient in promoting the objects of your Mission. The most important of these objects are,

First, The recognition of the Independence of Texas.

Second. The annexation of this country to the United States.

You will proceed to the City of Washington with the least possible delay, and your own judgment and sound discretion are relied upon fully in selecting the best and most expeditious mode of bringing these subjects before the Government, or Congress of the United States. Should difficulties arise as to receiving you formally as *Minister* until after the question of recognition is settled, you will urge that subject as the *Agent* of this Government, for which purpose seperate credentials are furnished you to be used in case it should be necessary.

Possessing as you do, the full confidence of the Government and being acquainted from long residence with the situation and wants of this country, and the sentiments of the people, you will consider yourself vested with every ample powers [sic] in effecting the before mentioned objects of your Mission, and that the following instructions are given in explanation of the views of the Government, more as a general guide, than as a positive mandate. It is not intended to embarrass the negotiations with the United States by any onerous conditions or restrictions on our part. A just reciprocity is our basis, in the full confidence that a similar one will influence the counsels of the United States; you will therefore observe the utmost frankness and candor in all your intercourse with that Government.

Texas claims the right of being recognized as an Independent Nation, on the broad basis that she is so *de jure*, and *de facto*, that she has organized her political and civil government, which has been

[a] L. S. In the numbered series from the Texas government to its agents or ministers at Washington, D. C., this appears to be No. 1,

and is in undisturbed operation, and that she is fully competent to sustain her independence, and fulfil the duties and obligations of an independent power.

It can not properly be made a question by a foreign nation whether Texas is independent *de jure* and had a constitutional right to seperate from Mexico, and form a government for herself; but it may notwithstanding add much to the *moral* force of our claims, to shew, that we were in fact made independent by the federal Constitution of Mexico, in consequence of the revolution that destroyed the federal compact, which alone bound Texas in common with the other States to the Mexican Confederation. The destruction of that compact and constitution by revolutionary, violent and unconstitutional means, and the consequent change in the system and form of Government, evidently severed all the bonds which united this country to Mexico, and absolved the people of Texas from all allegiance to the federal union, which ceased to exist, and left them free to take care of themselves. It is equally evident that the mere establishment of a new government by force of arms and usurpation, can not and does not impose upon Texas nor upon any other of the former States any obligations either moral or political, to resign the rights and sovereignty with which she was invested by the adoption of the federal union, or to acknowledge any allegiance or subjection whatever to such new and usurped Government, other than by the free and voluntary consent of the people. It is therefore evident that the charge made by the present government of Mexico, that Texas has rebelled against the constitutional authority, or in any manner violated the allegiance that united it with that nation, is unfounded and recoils with all its force upon those who make it. But besides this fact, the right of the people of Texas to provide for their own security and welfare, and do what they consider necessary for self preservation, can not be questioned, for it is a natural right that every people possess; more especially when the nation to which they had been previously united is distracted by revolutions, and affords no protection whatever, political or civil, as was the case with Mexico in relation to Texas, at the time of the seperation of the latter, and for years previous. Your knowledge of this branch of the subject will however enable you to handle it in a proper manner should you deem it necessary to touch upon it at all.

The most important point, and the only one about which the United States Government will probably require definite or special information, is whether Texas is independent *de facto*, and has established a regular government and is competent to sustain herself, and fulfill the duties of an independent nation. On this point, the declaration of Independence, the Constitution, the organization of the

several branches of Government, the acts of Congress etc. are conclusive evidence that a political and civil government is established, and is republican and liberal. The fundamental laws are all adopted, and are in full force and operation. The constitutional executive and Congress have been duly elected and installed, and the latter has progressed with the details of legislation, with great rapidity and wisdom considering all the circumstances. The several subordinate departments of the Government are all organized and in full operation, many of the most important laws for the civil and military government of the Republic have been passed, or are in a great state of forwardness, such as the Judiciary law, that regulating the revenue, imposts, taxes etc. that organizing the army and many others. These facts it is hoped will be satisfactory and conclusive, that a governm[en]t is established that is fully competent to fulfill the duties and obligations contemplated by the law of nations and required by the situation of Texas, and consequently it is believed that no material objection will be made to our independence on this point after it is fully explained by you.

In regard to the physical capacity of Texas to sustain herself, The signal and total defeat by General Houston of the army that invaded Texas last spring commanded by the President General Santa Anna in person, at the memorable battle of San Jacinto on the 21st of April—the flight and dispersion of the remnant of that army, and the total abandonment of all the territory of Texas by the forces of Mexico, and its peaceable possession by those of this Republic, afford evidence which certainly ought to be conclusive of the physical power of this republic to sustain its independence. This fact can not admit of a single doubt, when it is considered that the invasion of General Santa Anna was made under the most favorable auspices for Mexico, and the most discouraging for Texas. The former was then united under a popular leader whose influence gave him almost dictatorial powers. He brought a well appointed and disciplined regular army to Texas of about 8000 men attached to their leader and confident of victory. On the other hand, Texas was totally unprepared for the contest, without organization, civil government, an army, or resources. At the *present time* however this state of things is reversed. Mexico is in revolution and disorganized, its army dispersed and dispirited, Texas is looked upon as a dangerous and formidable enemy. The Mexican president, Genl. Santa Anna, the leader of her army, is a prisoner, and acknowledges that this country is able to sustain its independence and is lost to Mexico. The same is admitted in substance by Genl. Filosola in his published defence of his conduct as the second in command under Santa Anna. Most or all of the officers of the defeated army, state the same thing, and declare they will never

return to this country. Texas at *this time*, has an organized government, in full and undisturbed operation, an army, a navy, and the people are all united and confident in their strength, the population has augmented and is rapidly increasing etc.

When all these circumstances are considered it cannot reasonably be supposed that any doubts can exist, as to the physical capacity of Texas to sustain her independence.

Your own judgment will suggest to you such other reasons and arguments as you may deem necessary to bring into view, according to circumstances and the nature of the objections that may be raised to an acknowledgment should there be any.

Amongst others it may be important to urge that this measure is fully justified by precedent in the case of South America, and is called for by the great principles of liberty, phylanthropy and impartial justice, which form the basis of the institutions of the United States and of their exterior policy. On this basis, the republics of South America and Mexico were ushered by the United States into the family of nations. The political situation of Texas is certainly much better than most of those States were, particularly Mexico, when President Monroe recommended their recognition by his Message of 8th. of March 1822. Mexico at that time had not adopted any permanent fundamental law or Constitution, and did not adopt any until the 4th. of October 1824. Spain still held possession of the Castle of San Juan de Ullua,[a] and the people all over the nation were divided into factions and in constant political ferment and revolution. A comparison between such a state of things and that which exists in Texas, is so decidedly in favor of the latter, that it must be obvious and have its due weight in an impartial Scale. In addition to these considerations it is evident that the elements and materials of Texas for forming an independent Republic on the broad basis of self-government, will bear a very favorable comparison with those of any of said States, whose people had been for ages kept in ignorance and abject subjection by the despotic government of Spain. Texas has those claims upon the good will and confidence of the United States, which common origen, language, habits, religion, political principles, kindred and education naturally create. We are in fact one people, seperated only by a line similar to that which divides the possessions of a son from those of his father.

Sound policy seems to urge the friendly interposition of the United States for the purpose of terminating the contest between Texas and Mexico, which if continued by the active renewal of hostilities, must inevitably be carried beyond the Rio Bravo into the thickly populated parts of Mexico, and become in the highest degree injurious to that

[a] Ulloa.

country, and thus inflame the prejudices against Citizens of the United States, there, and perhaps produce some outrage upon their rights by land or sea that would disturb the friendly relations and commercial intercourse that now exists between those nations. The effect this war will have upon the tranquility of the Southwest frontier of the United States is at least quite problematical. The Indians of that frontier are numerous and warlike and may be disposed to take part on one side or the other, and thus the war whoop and savage barbarities will swell the tide of human sufferings, and in all probability force the United States into a war with those Indians, or lay her liable to the charge of cold indifference to the calamities of a suffering and innocent people, should she fail to restrain the indians from taking part against Texas, or of having evaded or violated the Treaty with Mexico should she not restrain them from making predatory incursions against the Mexicans.

As to the second great object of your Mission, which is the annexation of Texas to the United States, you will make every exertion to effect it with the least possible delay using your discretion as to the proper mode of bringing it before the Executive or Congress. It is probable that no action can be had on this point, until *after* the recognition of our Independence, unless the act of recognition and annexation should be simultaneous. The views of this Government are, that the annexation should be made on the broad basis of equitable reciprocity. It must be effected by a formal treaty, which must be ratified by the Senate of Texas, in conformity with the Constitution. In negotiating and forming this treaty, while you bear in mind that it is a favorite measure with the people of Texas and much desired by them, as is proven by their almost unanimous vote in favor of it, at the September election; you must not lose sight of the fact that it is to decide the political fate and interests of the people of Texas, who have acquired many rights, under the laws of the former and present governments, and also by their toils and sufferings in redeeming this country from the wilderness, and achieving its independence, which must be duly respected and secured beyond the possibility of doubt, cavil or constructions at any future period. This government has the most unbounded confidence in the magnanamity justice and liberality of the United States, and has no fears that any attempt will be made by them to invade any of the vested or equitable rights of the people of Texas.

It is believed that the sovereignty of this Country as an integral part of the American Union on an equal footing with the other States, is all that the United States will desire, but in the transfer of this Sovereignty, it is very important that the rights of the people of Texas, should be clearly defined, understood, and guaranteed, in

order to avoid those kind of doubts and constructions, which are always a fruitful source of disputes and litigations.

In forming said Treaty of Annexation, the right ought therefore to be secured to Texas, of becoming a State of the American Union on an equal footing with the other States, and as such to adopt her constitution and present it to the next Congress of the United States for approval, and to organize her state Government without delay, so soon as the Treaty of annexation shall be duly ratified by both parties. The authorities of the Republic that may be in office at the ratification of said treaty, should continue administering the government under the constitution and laws of this Republic, which are not contrary to those of the United States, until the State government is organized, so as to avoid an interregnum. Possession should be taken by the United States immediately after the ratification of the Treaty, and Military posts established competent to protect it from indian or other enemies, especially on the Southwest and Northwest frontiers.

As regards the boundaries of Texas, perhaps this question cannot be definitely settled at present; it may however be important for you to explain the views of this governmt. on this point. You will therefore use the following as you may deem necessary. We claim and consider that we have possession to the Rio Bravo del Norte. Taking this as the basis, the boundary of Texas would be as follows. Beginning at the mouth of said River on the Gulf of Mexico, thence up the middle thereof, following its main channel, including the Islands to its most northerly Source, thence in a direct line to the United States boundary under the treaty of De Onis at the head of Arkansas river, thence down said river and following the United States line as fixed by said De Onis treaty to the Gulf of Mexico at the mouth of Sabine, thence Southwardly along the Shore of said Gulf to the place of beginning, including the adjacent islands, soundings etc. The said Treaty of De Onis calls for the West bank of Sabine, and the South bank of Red and Arkansas rivers as the line. It is believed that the chartered limits of Louisiana calls for the middle of Sabine, if so there will probably be no difficulty in making our line to correspond with that of Louisiana—so as to give to us the right of landing, Ferries etc without molestation on the West Side

The same alteration should be made if practical as to the Red River and Arkansas river lines, by fixing them in the middle of those rivers, but should this be objected to, it is presumed the right of landing, and the free use and controul of the banks on our side to low water mark will be secured to us. Should it appear that very serious embarrassments or delays will be produced by insisting on the above described line, the following alterations might be made

on the Western boundary—Instead of the Rio Bravo, beginning on the West of the Gulf of Mexico, half way between the mouth of the Bravo and the inlet of Corpus Christi, which is the main outlet of the Nueces River and bay into the Gulf, thence in a Northwestwardly direction following the dividing ridge of high land that divides the waters of the Nueces river and bay, from those of the river Bravo to the hills or mountains in which the main branch of the said Nueces River has its Source, and thence following said ridge or chain of mountains westerly so as to strike the River Puerco or Pecos five leagues above its mouth (This river Puerco or Pecos enters the Bravo about fifty or Sixty miles above the old Presidio of Rio Grande now called Guerero[a] situated on the main road from Bexar to Monclova) From the place where the line will strike the Puerco it is to follow the ridge or mountain that divides its waters from those of Rio Bravo, and to continue along said mountains above the head of said Puerco or Pecos to the United States line, at the head of the Arkansas River. The Bravo as a line would cut off many settlements and some villages of native Mexicans and divide the populous valley of New Mexico. It therefore may be seriously objected to. The other line along the dividing ridge includes no Mexican population except Bexar and Goliad whose inhabitants have joined the cause of Texas and are represented in Congress—it will include in Texas all the vallies of the Nueces and Puerco and all the waters of the Red River and those of the South Side of Arkansas, west of De onis' line, all of which naturally belongs to Texas and we have peaceable possession of it. The Salt lakes or ponds between the Nueces and Rio Bravo are of incalculable value and would supply a great amount of this article in the christalized form—the last mentioned line would divide them, the first would include them all. They are distributed over an extensive tract of sandy country which is of but little value for farming or pasture

In relation to the future subdivision of Texas into Several States, the broad basis of equity upon which it is contemplated to unite this country with the United States, seems to require that all future subdivisions should be left entirely to the option and decision of the people of Texas, when the increase and extension of population should render it necessary to the public convenience or interest. The treaty stipulations agreeably to this principle should only extend to limiting the number or territorial extent of said new States hereafter to be formed, and guaranteeing their admission into the Union on an equal footing with the other States when petitioned for by the Legislature of Texas in conformity with the Constitution and laws of the United States.

[a] Guerrero.

The future location of indians within the limits of Texas South of Red River should be carefully guarded against and the removal on just terms of indemnity of those who are now residing there with acknowledged rights, should be provided for. The reasons for this measure are evident when it is considered that they are now partially, and soon will be closely surrounded and intermingled with the white population. This stipulation however need not prevent the location of Indians by the United States, between Red and Arkansas rivers west of the De onis line, should any important advantages, be gained by such a concession, or should the United States earnestly desire it.

Should it be stipulated that Texas is to pay her own debts, she will of course retain the absolute disposal of all the public lands, and should the United States assume our debts, the public lands may be relinquished to them, but in the latter case, liberal allowances for Schools, colleges, internal improvements etc. ought to be made, and the Salt lakes or ponds and springs retained

All laws civil or penal, acts and obligations either legal or equitable of the present government of Texas, or of the provisional and *ad interim* governments which preceded it must be respected and held valid

The legislation of the present congress will no doubt settle most or all questions relative to land claims, by legislative provisions, but should any thing prevent or retard its completion until the annexation to the United States, all *bona fide* settlers in Texas must be protected in their rights to so much lands as they can rightfully claim in virtue of the laws under which they emigrated, and their titles must not be adjudged defective nor questioned for want of mere matters of form, or for any failure to comply with formal and unessential requisitions, such as being a roman Catholic, cultivation in toto or in any limited time or specific manner, alienation in a limited time, classification of the land, erecting Stone or mud corners, paying dues to the government by a fixed day, and the like. On the subject of land claims, the same broad and fundamental principles of equity should be observed, which are to form the basis of our connection with the United States. In order therefore to present this part of the subject in its true and proper light, it must be borne in mind that the people of Texas have undergone great privations, embarrassments and impediments owing to the wilderness situation of the country in times past; indian hostilities, and especially to the revolutionary state of Mexico, and the consequent want of adequate protection or even of local authorities; which impediments have in many instances rendered it impracticable for them to comply strictly with all the minute conditions of the colonization laws, altho they have complied with the *spirit* and evident *intention* of said laws, by populating the country and contributing by their presence, and personal Services to its improvement and defense. Great care should therefore be taken not to leave the just

titles of any such, subject to doubts or to be questioned. Their claims are founded upon actual settlement, the sufferings of families, the redemption of this country from the wilderness, and opening the way for easy emigration—in short they have laid a foundation by their labors and past sufferings, for independence and all the results that will follow.[a]

There must be no special restrictions or limitations as to Slavery in Texas, different from what are imposed by the constitution of the United States, upon other Slave holding States of that nation, and all persons of African derivation now in Texas and held as slaves shall be respected as the property of their respective owners.

A reasonable time should be allowed to persons who may owe debts to citizens of foreign countries, contracted previous to coming here, before they can be molested by suits or the payment demanded.

In conclusion the President directs that you express in the strongest terms the friendly disposition and warm attachment of the Citizens of this Republic, towards the government and citizens of the United States, and the high respect and consideration of this government and people for the venerable Chief Magistrate of that great and prosperous republic.

Respectfully
Your most ob't.

S. F. Austin
Secy. of State

Austin to Secretary of State of United States [Forsyth].[b]

[Requests credence for Wharton, who has been appointed minister plenipotentiary of Texas to the United States.]

Austin to Wharton.[c]

Private and Special instructions to the Hon. W. H. Wharton Minister Plenipotentiary to the United States of America.

Republic of Texas
Department of State
Columbia Novr 18th 1836.

To the Hon. W. H. Wharton
Sir,

In addition to your general instructions of this date, you will be governed by the following, as your private and special instructions.

[a] Cf. general colonization law of Mexico (Gammel, *Laws of Texas,* I, 97); also that of the State of Coahuila and Texas (*ibid.,* 99–106).

[b] November 18, 1836. The copy in the archives is a rough draft in Austin's hand, with which Henderson to Van Buren, April 10, 1837, is in its wording exactly identical. It is probable that the latter was the only copy of the Austin draft that was mailed.

[c] Copy in the Austin Papers.

You will use every possible exertion to bring the question of recognition and annexation, to an issue during the present session of the United States Congress.

In forming the treaty of annexation it is highly important that no principles or rights should be surrendered that will probably be disapproved of by the people of Texas, or cause discontent, and be rejected by our Senate; and thus defeat the annexation. Be very particular to urge the importance and necessity of this point in your conferences with the President, Secretary of State etc.

Notwithstanding the vote of the people at the September election, in favor of annexation, you are aware that very many persons of influence who voted for that measure, merely yielded to the peculiar circumstances of the times, and incline strongly to the opinion, that Texas ought to remain a seperate and independent Republic.

Should our affairs assume a more favorable aspect by a termination of the war, and a treaty with Mexico, and by the manifestation of a friendly disposition towards us by England and France, it will have a powerful influence on public opinion: and in all probability decide it in favor of remaining independent. England, France and Mexico therefore have it in their power to influence very materially in fixing the political position of Texas. Suppose the two former, and especially England should pursue the course which sound policy evidently dictates and interpose their influence with Mexico to procure an acknowledgment of our independence, and it was known in Texas that favorable treaties could be made with those nations,—and suppose at the same time that indifference is manifested by the United States as to receiving us, or that unjust and hard terms should be insisted on, or they should cavil about minute particulars etc.—What would be the consequence? The answer is evident. Texas would at once say "we first applied to the land of our Nativity and have been coldly received, or treated like strangers, we therefore abandon all idea of annexation and will proceed to perfect our institutions and extend our foreign relations where our interest can be best promoted." It should be borne in mind, that Texas makes a great sacrifice by agreeing to the annexation at all, even were the prospect of a continuance of the war greater than it now is, a sacrifice that would be incalculable should the aspect of our affairs change as before indicated, as there is probability they will, within a short time. It should also be remembered that many are of the opinion that the vote of Septr. was more the result of attachment to the native government of the great mass of the people, of the ties of kindred, the reminiscences of the past, and confidence in the liberal munificence of that government, than of mature reflection, on the future glory, interest and prosperity of Texas. This view of the subject affords to us a powerful argument, which may be advantageously used by you so as to have its

proper weight with the government of the United States, and with the ministers of England, France and other foreign nations. It is a correct exhibition of facts, and of what will *certainly take place*, should the course and policy of the United States be adverse or illiberal, or should she refuse to allow not only liberal, but even munificent terms to Texas. In the event therefore of discovering any such disposition in the government or Congress of the United States, you will have full and free conversations with the British, French and other foreign ministers, on the Texas question, explaining to them the great commercial advantages that will result to their nations from our cotton etc. and finding a market here for their merchandize, and an outlet for their surplus population, on the basis of a system of low duties and liberal encouragement which it would be our interest to establish. And you will endeavor to enlist their governments through them, in favor of Texas, to acknowledge our independence and interpose their friendly influence with Mexico, to procure a similar acknowledgment, with the boundary line first mentioned in your general instructions which is the Rio Bravo on the west etc. Should both the recognition, and annexation be effected, all farther relations of a belligerent or peaceful character, will of course cease between Texas and Mexico, and all other foreign powers. If however these happy events should not take place, other and very important duties will devolve upon you.

Should the United States acknowledge independence but decline annexation on such terms as Texas can admit, it will then be your duty to propose and form a treaty of amity, limits, and commerce with that Government, on the basis of a just reciprocity, and if possible, also a Treaty of Alliance, keeping this government regularly and minutely informed by your correspondence with the State department of what occurs, that the necessary instructions may be given.

You will ascertain as soon as possible whether a treaty of alliance can be made with the united States, and aid in money, troops or vessels of War, can be procured under it, or otherwise, against Mexico, and if to be had, procure it without delay. You will also extend, so far as possible, your friendly intercourse with the foreign ministers at Washington and sound them as to the disposition of their governments.

You will not lose sight of the Indian question, and make such arrangements as will prevent the United States Indians from taking part with Mexico against Texas.

Should neither recognition nor annexation be effected you will then endeavor to procure the mediation of the United States for the purpose of terminating the war with Mexico on the basis of a recognition of our independence, and you will also secure all the support and good will you can from the foreign ministers at Washington.

As a proof of our perfect reliance on the magnanimity of the United States, you will, as soon as may be proper, after your first interview with the Secretary of State, exhibit to him your general instructions in *extenso*, as a plain view of the subject, which may serve in affording information that may be useful to both parties in settling the question on the basis of equity and just reciprocity.

President Burnet wrote officially to Genl. Gaines, that it would be agreeable to the Government of Texas, should he establish his headquarters at, or occupy the post of Nacogdoches for the purpose of restraining the Indians.

You will endeavor to ascertain the real view of the United States government in occupying that post, and whether it is seriousy contemplated to insist on the River Neches as the constructive line under De Onis' treaty, instead of the Sabine, as laid down in Millish's[a] Map of 1818, which is positively and definitely fixed by said treaty as the boundary line. This government cannot admit of any construction that will fix the line at the Neches, or make any variations of this kind from the said Treaty of De Onis, and should there be any attempt on the part of the United States government to move the line to the Neches, and thus claim the country between that River and Sabine, you will solemnly protest against it as an infraction of said Treaty of De Onis, and an invasion of the rights and territory of Texas.

The confidence of this government in the justice and liberality of the United States is unbounded, and consequently it is not believed that any conditions or restrictions will be insisted on that are likely to be seriously disapproved by the people of Texas, or rejected by our senate, and thus defeat the annexation in *toto*. It is however highly important that the following stipulations should be kept in view, pending the negotiations, as being particularly interesting to this country.

That[b] allowing Texas to enter the American union as a State without passing through the intermediate stage of a territorial government, and that the authorities in office, and the laws in force, not repugnant to the constitution of the United States, at the ratification of the Treaty of annexation, should continue until the State constitution and Government is formed and organized by the installation of the State authorities, and the enactment of State laws.

That no future subdivision of the territory of Texas South of Red River, into a plurality of States or territories shall ever be made except on the petition of the Legislature of Texas founded upon that of the people of the particular section of country which is to be erected into such new state or territory. The country between Red

[a] Melish's.

[b] This "That" is evidently intended as a demonstrative pronoun here and at the beginning of each of the series of paragraphs that follow, except that which comes next.

and Arkansas Rivers may be excepted from this stipulation, and relinquished to the United States in full, on terms that will be equitable to both parties.

That relative to Slavery, on this point you must *insist* that no kind of restriction whatever, shall be imposed, different from the Constitution of the United States, with respect to the other Slave holding States of that Republic.

That confirming land titles of actual and *bona fide* settlers so as to secure them from the heartless grasp or persecution of speculators.

That recognizing as valid, the legislation and acts of the present and past governments of Texas.

That allowing liberal donations to Texas of lands etc for Schools, Colleges, Internal improvements etc. in case the United States assume our debts and take the vacant lands.

That prohibiting the location of Indians, South of Red River, and all other stipulations of a similar character which involve interests of vital importance, or principles that may materially affect the future liberties or prosperity of Texas.

Should objections be made to the admission of Texas as a State without directing or cutting off any of the territory South of Red River and between it and the Coast, and between the Sabine and the western boundary of Texas, on account of the size thereof, (an objection which it is not contemplated will be made) it will be your particular duty to show, as you can do, that many exaggerated and erroneous impressions have influenced public opinion in the United States, in relation to the extent or Size of Texas. The map of this country compiled by S. F. Austin and published by Tanner, was formed at an early day, when the interior of Texas was but imperfectly known, and makes this country much larger than it really is,—for example, the general course of Red River as correctly ascertained, is on, or near the parallel of 33° North latitude, but on said map it is extended near to latitude 34°. The distance on the map from Sabine to the Nueces and Rio Grande, is greater than it is in fact. The coast of the gulf is put down on the map many miles east and Southeast of what it really is. The river Puerco[a] and the great bend of the Rio Bravo is put down on the map, much too far West. An accurate delineation, therefore, of the true size of Texas, would show a territory much less than the said map represents, and would not be any thing like so extensive as is generally supposed. It probably will not exceed One hundred thousand Square Miles, supposing the western boundary to be on the dividing ridge between the Rivers Nueces and Puerco, and the River Bravo, which it is probable will be the line finally established.

[a] Or Pecos.

It must also be remembered that a large tract on the Western and Northwestern frontiers is of but little value and can never be densely populated. The country on the Puerco South of the latitude of the heads of Red River is represented as very mountainous and barren in general.

In conclusion the President relying fully on your prudence and judgment, confides the important objects of this mission to you with the confidence, that you will devote to it all the attention and activity which it requires, and that you will keep this government fully and minutely informed of every thing of public interest

Respectfully
Your most obd't

S. F. Austin
Secy. of State.

N. B. you will bear in mind, that all that part of your instructions, relative to cultivating a *close* and *intimate* friendly intercourse with the foreign ministers at Washington, is based *solely* upon the *contingency*, that the policy of the United States towards Texas should be indifferent or adverse—a contingency, which it is not expected will ever take place, but if unfortunately it should, the duty of this Government evidently compels them to provide all the aid and support for Texas, from other Quarters, that can be obtained. You will, therefore, be very careful not to commit yourself in any manner whatever, until you have had full time and a fair opportunity of investigating the subject and understanding fully, so far as can be ascertained what are *the* views of the United States Government and of the said foreign Ministers, as to Texas, and then act, in this particular, as in your judgment the interests of Texas may require.

S. F. Austin
Sec of State

Commission of Wharton as Minister to the United States.

In the name of the Republic of Texas, Free, Sovereign and Independent, To all, To whom These Presents shall come, or may in any wise concern, I, Sam Houston, President thereof, send Greeting.

Whereas, by an act of Congress, bearing, date, the twelvth day of November A. D. one thousand, eight hundred and thirty six, passed under and by virture of the Constitution, full power has been duly given to me, in the name and on the behalf of said Republic, to nominate and by and with the advice and consent of the Senate to appoint and fully empower a Minister Plenipotentiary to the United States of America.

And Whereas the People of Texas have, by an almost unanimous vote, only ninety three voting in the negative, expressed their wish to be annexed to the United States of America, and also, should that

event not take place, it is desirable to make, conclude, ratify and confirm with the said United States, such Treaties of Amity, Commerce or Limits, as may be deemed mutually beneficial—

Now Therefore I, Sam Houston, President of the said Republic of Texas, by and with the advice and consent of the Senate by these Presents do nominate, constitute, appoint, qualify and fully and completely accredit William H. Wharton to the said United States of America as Minister Plenipotentiary of this Republic with full power, as such, to open with the Executive and Cabinet of the said United States, at the City of Washington a negotiation, touching the recognition of the Independence and Sovereignty of this Republic, and touching and concerning all Rights, Privileges and Immunities, incident thereto, and touching and concerning all other matters and things, which are or may hereafter become desirable to this Government;—And as such Minister Plenipotentiary, fully empowered as aforesaid, to respond to any and all official and other acts, requisite and necessary to be done and performed by this Republic for the purposes aforesaid;—and to make, stipulate, conclude and sign in the name, and on the behalf thereof, any and every Negotiation, Treaty or Convention, whether of annexation to the said United States, Confederation, Intercourse, Limits, or Alliance, which may be deemed best adapted to the interests of Both Parties; subject always to the ratification, required by the Constitution and the laws of this Republic for the purposes aforesaid. Herein and Hereby ratifying and confirming each and every, the acts and doings of him, the said William H. Wharton, Minister Plenipotentiary, fully empowered as aforesaid.

In Testimony Whereof, I have signed These Presents and affixed my private Seal, there being no great seal of Office yet provided. Done at the Town of Columbia, this eighteenth day of November A. D. one thousand, eight hundred and thirty six, and of the Independence of this Republic the First.

(Signed) Sam Houston

Seal

(Signed) S. F. Austin
Sec. of State

Austin to Wharton.

Peach Point *Novr. 22d 1836*

Department of State]
Hon. W. H. Wharton
Minister to the U. S of A.

Dr Sir

I send you a tin case containing your credentials and instructions as minister plenepotentiary to the United States of America

It contains your commission a letter of credence to the Secretary of State of the United States, and office copies of them—your general instructions, your private and special instructions, and Documents relative to the organization of the Govt of Texas. I also send you a file of the Texas Telegraph, please to acknoladge the receipt of them to file in this department. You already have the Declaration of Independence and the constitution.

* * * * * * *[a]

Wishing Mrs Wharton and yourself a speedy and pleasant passage I have the honor to remain

Your most obt

Signed S. F. Austin
Sec. of State

Wharton to Austin.[b]

Private

Genl S F Austin *Secretary of State*

D Sir

I duly received my despatches instructions etc this morning by Simon and so far as their exterior appearance is concerned they do credit to those who have prepared them and to our infant government. I am sorry that I have not had time to read the instructions over and talk them over confidentially with you—but I hope that no clog of trivial import is imposed which would embarrass the annexation so dear to all true friends of Texas.

The act which I introduced and which passed the senate unanimou[s]ly in relation to waiving Catholicism permanent corners. Cultivation etc etc. should be hurried through the lower house and immediate information given me of its having become a Law. Baker[c] must not be allowed to clog it. Show this to Archer John.[d] Genl Green[e] etc and tell them to spread themselves. You may rely upon my not delaying a moment in getting to Washington.

Very Respectfully
yours

Wm H Wharton

Velasco *22d Nov 1836*

[a] The paragraph omitted relates to Wharton's salary.

[b] A. L. S.

[c] Mosely Baker, who came to Texas from Alabama in 1834 or 1835, was prominent as a captain in the San Jacinto campaign; and was a member of the Congress of Texas, 1836–1839.

[d] Wharton's brother, John A. Wharton.

[e] Thomas Jefferson Green, a native of North Carolina, who lived successively in Tennessee, Mississippi, and Florida and came to Texas in 1836, while the San Jacinto campaign was in progress; active as a recruiting agent for Texas in the United States with a commission as brigadier-general of volunteers, 1836; leader of Mier expedition, 1842; member of congress of Texas, 1843–1844; emigrated to California after annexation and served one term in the senate of that State; died in North Carolina, January 12, 1864.

Wharton to Austin.[a]

Official

The Honl S F Austin *Secy of State*
Sir,

I have the honor to acknowledge the receipt of my credentials and instructions as Minister and will loose no time in repairing to the court of Washington

Very Respectfully
Your Obt Servant

Wm H Wharton

Velasco *22d Nov 1836*

Austin to Wharton.[b]

Columbia *Novr 25, 1836.*

Department of State]
Hon. W. H. Wharton
Dr Sir

Cols. Hockly[c] and Bee start tomorrow with Gen Santa Anna for Washington City. The President confidently believes that much good will result to all the parties concerned by an interview between Gen Santa Anna and the President of the U. S. It is very evident that the true interests of Mexico, of the U. S. and of Texas, all demand a speedy termination of the war in this country, and the annexation of Texas to the U. S. Gen Santa Anna distinctly says that he is satisfied of this fact, and will use all his influence to effect it; He thinks that it is all important he should return to Mexico by Washington City in order to have an interview with the President of the U. S. and he is permitted to do so.

I enclose you a copy of the secret treaty made with President Burnet. It is *still* considered a *secret*, and therefore ought not to be published by any of us—also a copy of the public treaty You may possibly need it. Copies of them were enclosed to Gen. Jackson by Santa Anna in his letter of the 4th July.

There is nothing new except the total loss of the Steam Boat Ocean. She sunk yesterday at Brazoria with a full load of merchandise just from the mouth of the river

yours respectfully. S. F. Austin

[a] A. L. S.
[b] A. L. S.; apparently No. 2 in the series from Texas.
[c] Hockley.

Wharton to Austin.[a]

New Orleans *28th Nov 1836*

Dear Sir

I arrived to day in bad plight owing to exposure to the worst of weather during the passage without a place to sleep, except on the naked deck—without any thing but two little blankets to answer both for a bed and covering. I have not had time to hear much news as yet—every thing however appears favourable. I will leave for Washington on the day after tomorrow Via the Ohio and Wheeling. A Packet at this season going North will I am assured have constant head winds and that from 30 to 40 days are required to perform the winter run from this to New York—not so coming from New York here. The roads on the Southern rout through Georgia Alabama etc are said to be in almost impassable condition. The mails seldom arrive within less than 6 days of the proper time. I am therefore convinced that the rout I propose taking Via Wheeling is the shortest and far the most certain. * * * I feel every moment more and more the vital importance of my being at Washington and nothing that human energy can surmount, shall retard my progress.

* * * From what you and others told and wrote me I have every reason to believe that Wolfe will be appointed Secretary of Legation. If so send on a power to draw for his salary simultaneously with his credentials—for his funds like my own are *low* indeed. * * * In my next by the Col. Fannin or Cesar on the day of my starting I will be enabled to give you some idea of what will be the judgement of the public here on the policy of releasing Santa Anna. Remember me to the President and Cabinet.

Yours with the highest
consideration

Wm. H. Wharton.

The Honbl. S F Austin *Secy of State*

P. S. For heavens sake write by every opportunity and write fully freely and frankly

P. S. I have not as yet seen the persons of whom we made the loan, but will to day and write you what can be done about it with satisfaction to all. I shall take Wolfe as my private secretary at all events if he is not appointed Secy of Legation

[a] A. L. S., in Austin Papers. The matter omitted in printing relates to Wharton's financial affairs.

CARSON TO HOUSTON.[a]

To His Excellency
SAML HOUSTON
President of
The Republic of Texas

SIR

I take leave to lay before Your Excellency (not knowing who may compose Your Cabinet) a brief statement of the manner in which I fulfilled the mission upon which I was despatched by the Govt. "ad interim" of Texas under a commission bearing date 1st April last (1836)

Should my despatches to the Govt have reached [you], a reference to the files containing them, will afford all the particulars up to July when Colonels Collinsworth, and Grayson superseded all other Agents; and at which time I ceased to act.

On reaching Alexandria on Red River La., rumors had just reached there by a Steam Boat from Natchitoches, that there was great apprehensions of Indian disturbances on our frontier, upon the head waters of Trinity etc. Learning also that Genl Gaines had passed up the River to Cantonment Jessup I took the first Steam Boat, (which passed the same day) and proceeded to Natchitoches where I met with Genl Gaines.

What occurred at that point and what passed between that distinguished officer of the American Army, and myself was communicated forthwith from that point—One despatch to his Excellency D. G. Burnett President, and one to Yourself as Commander in Chief of the Army. Those despatches I have understood were recieved

From thence I proceeded to my residence on upper Red River, where I had left my family. The great exposure to which I had been subjected in my journey brought on a severe attack of "typhoid pneumonia" or ["] influensa" which confined me ten days. So soon as I was able I proceeded on my journey to Washington City which place I was not able to reach until the 22 of June. This detention was caused principally by my very feeble state of health which compelled me to delay at various points to recruit my strength. At Louisville Ky. I had a very *violent* attack which confined me for some days. Mrs Carson would not consent after my sickness at home to be separated from me in consequence of my debilitated situation, and therefore accompanied me throug[h]out my travel

Meeting with Messres Hamilton and Childress on my arrival at Washington City we adopted such plans and measures for the furtherance of the objects with which we were charged, as seemed most expedient at the moment—all of which the Govt have been advised of by previous despatches

[a] L. S.

The resolutions which finally passed the Congress of the U. S. on the 4th of July, were forwarded to the Govt of Texas, accompanied by some details etc. I will take leave however here to remark, that nothing could be more gratifying to the feelings, and pride of a Texian than the debate in the U. S. Senate upon the resolutions referred to. The feelings manifested towards us were most generous, and kind—and far from being the least pleasing incidents of the debate was the *marked* respect with which *Your name* was treated and the eulogies bestowed by some of the most distinguished debaters, and which seemed to be responded to by every senator present, and by a very Crowded auditory. Many were the tears which fell in the Senate on that day.

Under the authority granted to the Executive Govt. to obtain a loan of money to supply the wants of the Army etc. Robert Hamilton Esqr was thought by the Cabinet to be the most suitable person to effect that object in part. He was therefore commissioned by the President on the 2d day of April last. His commission was confided to me for delivery to Mr Hamilton, which I bore and delivered to him at Washington City

Mr Hamilton set out shortly after to Philadelphia on his mission, at which place I joined him immediately after the rise of Congress.

To detail the course we pursued the conversations we held with Gentlemen upon Exchanges etc. etc. would be useless—sufficient to say that we had an understanding with *large Capitalists* at that place, that we should proceed to New York create a Govt. stock at such a rate of interest as we might think advisable and put them into market there and they (the capitalists of Philadelphia) assured us that they would take liberally at whatever we could start our stocks or bonds in New York

Upon this Mr Hamilton and myself proceeded to New York sounded the money market and were arranging our plans of operation, when to our surprise and astonishment there appeared in the Gazettes of New York the following proclamation extracted from the New Orleans Papers.[a]

To judge of our feelings and decide upon our deep mortification could only be done by persons placed in similar situations. But great as our chagrin was and much cause as we had to complain we deemed it better for the Cause of Texas to bear it in silence—had we taken any other Course we should have been compelled to give a *flat contradiction* to the President and publish in the public prints the authority under which we acted and had presumed to borrow

[a] A blank space was left in the original for the proclamation, but it was not copied. It is dated June 10, 1836, and is to the effect that, because of frauds that have been practiced by persons professing to represent Texas as agents, only Toby & Bro., of New Orleans, and R. F. Triplett, who is soon to resign, are recognized as such, and any authority that may have been given others is revoked. See Records of the Department of State (Texas), Book 35, p. 65.

money upon—but we preferred submitting to the injury, rather than bring the authorities of the Republic into disrepute in the only country from which we could expect aid, and in which our dissentions at home, had been sufficiently magnified and done sufficient injury. I also thought and hoped that the omission of the name of Mr Hamilton, as one of the Govt. Agents to obtain money, in the Proclamation of the President was a mere inadvertance or "Casus ommissis" which would be rectified immediately but in this I have been disappointed and Mr Hamilton and myself remain to this day under the odious light of having attempted to obtain money without authority from the Govt. which we professed to be serving And this is the more extraordinary as the commission of Mr Hamilton is not only signed by Pres. Burnett in his official Capacity but *every word* of the Commission is also in his own handwriting. Under this statement of facts I submit it to the Govt. [whether] as an act of justice they should not cause to be published from the records of the Govt a copy of the Commission under which Mr Hamilton acted.

I deem it useless to say any thing upon the *probabilities* of our obtaining a loan. I will only remark that there never had been a more propitious time and the Credit of the country on so fair a footing. Your glorious atchievement at San Jacinto—the head of the Mexican Govt Your prisoner—the favorable Resolutions of the American Congress just passed (Unanimous in one branch and almost so in the other) but above all the universal spirit which pervaded the American people in our favor the troops that had gone on, and were going gave the strongest guara[n]ties of final success to Texas and consequently her credit in the Northern Cities [was] better than it ever had been.

From New York Mr Hamilton and myself returned to Washington City when we met with Cols Collinsworth and Grayson who seemed to be charged with all the duties necessary to be discharged for the benefit of the Republic.

To them I stated my determination of proceeding to the White Sulphur springs of Va for the restoration of my health. Since which time I have been attending to my health and had hoped that I was restored, till a recent attack has thrown me quite back and I am barely able to make this communication

With profound respect and consideration—I am Sir

Yr Ob't and Hbl Servt

SAM P CARSON
For State Dept.

NOVR 28TH 1836
at the Douglass place
Pulaski Coy[a] *Arkansas*

[a] County.

WHARTON TO AUSTIN.[a]

NEW ORLEANS *30th Nov 1836*

D SIR

I am in the very act of starting and have only time to say a passing word. With great difficulty Toby raised for me $1000 with which I will try and get to Washington. Toby did his best and is in my opinion an excellent man. I understand that A Huston Q[b] Master is selling land rapidly in the upper country. I have seen some of the Loan takers. They will be satisfied I think with the bill now before congress for funding the debt and allowing them 15 per cent Interest and this bill ought to pass. They would like however to retain the option of taking land at 50¢ per acre without priority of location and this should be allowed them. By all means the minimum price of land for the future should be raised to one dollar per acre. This would be of great service. Whatever is done in relation to the loan great latitude should be given the secry of Treasury to alter or modify as him and the lenders might agree

Public sentiment in this quarter *would not I think condemn the liberation of Santa Anna as impolitic or improper*—on the contrary would I am sure approve the measure. No one here anticipates another invasion of Texas. *We* should however *act* as if *we* thought differently. A belief of this kind has nearly ruined us in time past. Let us gather wisdom from experience. Our recognition is considered beyond all doubt. Act harmoniously at home and we have nothing to fear. Crush for Gods sake and for our countrys sake crush these new projects for introducing Africans and put to death all concerned. Instruct me to complain formally to this government, that the Traffic is attempted by U. S. Citizens under the United States flag.

In extreme haste,

Yours very Respectfully

WM H WHARTON

WHARTON TO AUSTIN.[c]

ON BOARD STEAM BOAT GENERAL GAINES
Near Natches
December 2d 1836

DEAR SIR

I write you from a steam boat which from the power of its engine shakes ten times more than any I ever before travelled on. But when an idea occurs I will continue to communicate it to you at the moment for fear of forgetting it. All of my notes have been written under the most disadvantageous circumstances, at moments hastily

[a] A. L. S., in Austin Papers. [b] Quarter. [c] A. L. S.

snatched from other urgent business, generally amid the clamors of a crowd or under the pressing importunities of the vessel or the person who was to bear the letter. This will in your justice and kindness apologize for both the manner and matter of all of my despatches until I get to Washington, when and where I will be enabled to write more composedly and in a fair hand. Until then you will I am confident attribute whatever may seem too laconic or dictatorial, blunt or uncourtly, to any thing but *intention*.

In my general instructions you observe that "*should I not be formally* received as *Minister* before recognition you have furnished me with credentials to act as Agent for the time." No such credentials are among my papers and I need not urge upon you the necessity of forwarding them forthwith. By superscribing all of your letters with the words "*to be forwarded by the Express mail*" they will reach Washington in 5 days from New Orleans. Do hurry that act waiving being a Catholic etc etc and also the judiciary act through as fast as possible. I cannot get along without them.

I believe I told you at Washington that after my Protest to General Jackson against a sale of Texas by Mexico which was at first supposed to be Gorostizas business I had a long and as I conceived semi-official conversation with Donnelson[a] (Private Secretary) in which he stated that if the U S chose to give Mexico a few millions for a quit claim of Texas by way of hush money, leaving to Texas the arrangement of the terms of her annexation that Texas ought not through pride to object to it. I answered then as I will again unless otherwise instructed namely that the Treaty between Texas and the U. S. must precede the hush money to Mexico. That after Texas was annexed the U. S. might give what she pleased. Texas for her part would never give Mexico any thing but lead in purchase of peace and independence. Write me fully on this subject. Myself and family are in good health, with the exception of colds. Under every disadvantage and in great haste

I have the honor to be yours

WM. H. WHARTON

* * * * * * *[b]

AUSTIN TO WHARTON.[c]

No. 3.
Department of
State

COLOMBIA *Decr. 10, 1836.*

Hon. W. H. WHARTON,

Since your departure Congress has progressed rapidly in completing the ditails for the organization of all the branches of Govt

[a] Donelson.
[b] The omitted postscript relates to Wharton's salary.
[c] A. L. S.; on the same sheet with "No. 4" below.

under the constitution. The greatest harmony and union prevails throughout the country. The army is rapidly increasing, is well supplied with clothing and provisions, and is better disciplined than it ever has been, for which latter essential improvement we are principally indepted to Adjutant General Johnson,[a] formerly of the U. S. Army.

We have rumors of an invasion by land and water, how far they are true is uncertain, we are however fully prepared to meet them on land, and in a short time expected to be ready for them on sea

Public anxiety is unabated on the subject of annexation to the U. S. The opinion in favor of that measure is much more decissive, if possible, than when you left. It is therefore expected that you will press that matter with as much earnestness as prudence will permit

Rumors occasionally reach us, of the disposition of the indians on the northern frontier, to take sides in the war against Texas. The Caddos are decidedly hostile and have committed many depradations

I was assured a few days since by a person of known veracity, that The Cherokees of the Nacogdoches district, the Caddos, Comanches and all the small tribes who were under their influence, except the Shawnees, had actually entered into a combination to join the Mexicans last spring, and were preparing to do so, when they heard of the defeat at San Jacinto. It is therefore of vital importance to the tranquility of the U. S. frontier that the American troops should be continued at Nacogdoches, and the number increased rather than diminished. This measure is also, evidently required, by the obligation of the U. S. to restrain her indians from committing hostilities within our territory. You will therefore represent this subject to the Govt of the U. S. for the purpose of showing the necessity of continuing the garrison at Nacogdoches.

Respectfully your most obt

S. F. Austin
Sec. of State

Austin to Wharton.[b]

(No. 4).

Department of State.

Columbia *Dec. 10th 1836*

Hon. W. H. Wharton

It is certainly desirable that Texas should enter the American Union at once, and undivided; but should you discover that this condition, if positively insisted upon, is likely materially to effect the main object, which is annexation; I am directed by the President to

[a] Albert Sidney Johnston.
[b] L. S.; the postscript in Austin's hand.

say, that you are at liberty to waive it, and agree to a territorial Government, with the necessary guarantees as to a State Govt, as soon as it is petitioned for. This Govt. has too much confidence in the just and liberal principles by which the United States are governed, to doubt that full and ample justice will not be done us in every respect.

Should you discover that Mexico is willing to give a *quit claim* for Texas to the U. S, I am also directed by the President to say that this Govt. will not object to entering the American Union by that means, provided that the leading principles and rights embraced in your instructions of 18th ult. are fully and amply secured to Texas. You will therefore consider yourself invested with *discretionary powers* as to this particular.

The army and navy of Texas should be provided for in the Treaty of annexation on such terms as may be considered just and expedient for both parties; you will therefore keep this point in view in the negotiation.

Respectfully
Yours most ob'd't.

S. F. Austin
Sec of State

P. S.

You will by no means omit to exhibit your general instructions of 18th ult. to the President and Secretary of State of the U. S.

S. F. Austin

Wharton to Austin.[a]

On Board Steam Boat *Casket* near Maysville Ky
December 11th 1836

Dear Sir

I wrote you a hasty note from Louisville also from Cincinnatti and sent you some papers from each place to give you at least a *Birds eye view* of the political horizon in relation to Texas. I have made it my especial business to ascertain as far as possible from the public prints and from conversations with the intelligent what would be the fate of our application for recognition and annexation. In regard to the first (recognition) both friends and foes seem to unite in admitting that it is a right justly due us. It is fair to conclude from all that I have seen and heard that our independence will be recognized by this government very shortly after my arrival at Washington with the Documents shewing that we have an organized

[a] A. L. S.

government in successful and harmonious operation. In regard to our annexation both friends and foes bitterly oppose it. Our foes namely the leading prints of the North and East and the abolitionists every where oppose it on the old grounds of an opposition to the extension of slavery and of a fear of southern preponderance in the councils of the nation. Our friends by which term I now mean those of Louisiana Mississippi Kentucky etc (for I have seen and conversed with no others as yet) oppose our annexation, on the grounds that a brighter destiny awaits Texas. That she would be more happy and prosperous and glorious as an independent nation than as a portion or tributary of this. That in such situation she would soon complain of and be oppressed by high Tariffs and other Northern measures. That we would be driven to nullification, secession, etc and be thus involved in a worse revolution than we are now engaged in. That we should go on as we have commenced conquering and to conquer and never pause until we had annexed all or the best portion of Mexico to Texas, thereby establishing an independent government that would rival this in extent, resources, and population. In a few words however the main burthen of their song is the *glory* of the matter. To this I have invariably answered that their views and advice are predicated upon a mistaken notion of the character and description of our citizens. That if we were a set of adventurers, of young men of desperate fortunes, or without families dependent upon us, in other words if we were military or political aspirants we might select to follow their advice and continue to battle for glory and independence. To the contrary of all this I have assured them that the people of Texas were generally unpretending farmers and planters from the middle walks of life, that they were born under this government and were satisfied with the protection it afforded to person and property, that they had no ambition civil or military to gratify—that all they desired on earth was the privilege of cultivating in peace those fertile lands which they had so dearly earned by the perils and privations consequent upon the colonizing of a wilderness. To be plain and candid, I believe the recognition of our independence will certainly take place, but I have not at present much hopes of our being annexed. That question when proposed will agitate this union more than did the attempt to restrict Missouri, nullification, and abolitionism, all combined. Already has the war commenced violently commenced even on the prospect of our annexation. The Southern papers those in favor of the measure are acting most imprudently. They are irritating and bravading the north into an inveterate opposition. Language such as the following is uttered by the most respectable journals such as the Richmond Whig Charleston Mercury etc. The North must

choose between the Union with Texas added—or no Union. Texas will be added and then forever farewell abolitionism and northern influence. Threats and denunciations like these will goad the North into a determined opposition and if Texas is annexed at all it will not be until after the question has convulsed this nation for several sessions of Congress. In the meantime what are we to do? But here in what I am about to advance you may possibly say that I am travelling out of the record and departing from the prescribed line of my duties. This may all be true, but being bound to the cause and country by ties as strong and as sacred as fortune family and life can make them I feel myself entitled to speak and trust that what I say will not be termed "*Dictation*" as has heretofore been done in similar cases by some who were more captious and sensitive than wise or courteous. What I mean to say is this, if we cannot obtain *peace* either by annexation or by the voluntary concession of Mexico, self preservation will in my opinion demand that we immediately commence an active system of *offensive war* against our enemies in their own territory, that we quarter upon them, and make them in turn experience the ravages and calamities which they once so cruelly inflicted upon us. Look at the history of old *Spain* and it is but fair to conclude that the Mexicans partake largely of the same *false* and bigotted pride obstinacy. Old Spain is famed for never granting any thing to any of her revolted dependencies. Just so will it be with Mexico. So long as the battles between us and her are to be fought in Texas so long will she refuse to concede us any thing. When they are ready to come in vast numbers they will invade us and when they cannot come with an imposing force they will remain at home if it be five years at a time. In the mean while we will be compelled to keep up a standing army which we cannot do for two reasons, 1st on account of the expense and 2dly The enterprizing spirit of our race will not submit to the inaction of a garrison life. As I before said if peace is not to be obtained by annexation or other means, necessity will compel us to commence an offensive war as soon as that fact is known and inasmuch as annexation is extremely doubtful we should be preparing accordingly forthwith so that we may be by the 1st of March on the west of the Rio Grande with a sufficient force. With recognition I believe that funds can be had, and with funds you know—we can muster an army of any size that may be necessary. Do think on this and receive these suggestions in the spirit in which they are meant.

Send me on an estimate of our public debt. It is indispensible. Are you not greatly in error in estimating Texas at 100.000 square miles? You certainly must be. You say that an objection may be urged against adopting the Rio Grande as our Western boundary on account

of its including many of the Mexicans of New Mexico, and other States. This can be obviated it appears to me in a way that will give us the navigation of that river as high up as it is worth any thing and at the same time to take in no Mexicans of consequence. If I recollect aright there are very few Mexican settlements on the East of the Rio Grande from its mouth to the Passo del Norte. Let then the line commence at the mouth of the Rio Grande and continue up the middle of that stream to the Passo del Norte or to where the Mexican settlements commence on the East bank—thence with the mountains you speak of—leaving all the valley of the river above to Mexico. Do write me promptly and fully on this subject. Genl Chambers[a] will hand you this and will give you much information in farther explanation of what is herein contained. His generous sacrifise of much of his own estate to procure men and means for our country, his indefatigable energy and perseverance and his courage and promptitude in exposing and silencing those calumniators of our cause (Wilson and P[b]) are worthy of all honor and praise and have secured for him the universal approbation of this whole section of country. I trust that in Texas his services will be long remembered and properly rewarded.

I have the honor to be Yours etc

WM H WHARTON

HUSTON TO THE SECRETARY OF WAR [JOHNSTON].[c]

AUSTIN TO CATLETT.

Department of State

COLOMBIA *Decr. 14, 1836*

To F. CATLETT *Esqr*
Sec of Legation to the
U. S. of A.

You will herewith receive your appointment and credentials as Sec of Legation of the Mission to the U. S. of A. and you will proceed with all possible dispatch to the city of Washington, and present

[a] Thomas Jefferson Chambers, a native of Virginia, settled in City of Mexico, 1826; after 1829 lived in the State of Coahuila and Texas, and in 1834 was appointed surveyor-general of the State; in 1836 went on a mission for Texas to raise men and money in the United States; murdered at his home by persons unknown in 1865.

[b] Edward J. Wilson and G. L. Postlethwaite of Lexington, Kentucky, who had published severe criticisms of the people of Texas and of General Chambers. See *Niles' Register*, LI, 59, 102, 119.

[c] December 13, 1836. See Burnet to Dunlap, May 30, 1839.

yourself to the Hon W. H. Wharton Minister of this republic to the U. S. of A.

It will be your special duty on your arrival at Washington to be subject to the orders and directions of Mr Wharton the Minister, and to take charge of, and safely keep, in a neat and regular manner, all the documents papers and records, belonging to the Mission, and generally to do and perform all the duties usually attached to the office of Sec of Legation

In the event of the death or recall of the Minister, you will represent the interests of this republic near the U. S. government, until otherwise directed by this Govt.

Respectfully
Your most obt. S. F. Austin
Sec of State

Austin to Wharton.

[No. 7[a]]

Colombia *Decr. 16, 1836*

Republic of Texas
Department of State
To the
Hon. W. H. Wharton
Minister to the U. S. of A.

Sir—It has come to the knowledge of this Govt. through the channel of common rumor sustained by the statements of several persons of known verasity, that extensive projects are in contemplation to introduce African negro slaves into this country by citizens of the U. S. in a manner that will equally violate the laws of the U. S. and the constitutional provision of this Republic on the subject.

It is intended, as we have been informed, to land said African slaves on the sea shore east of the Sabine river, on the east bank of the Sabine within the limits of the U. S. and then reship them to this country, and thus attempt to bring such introduction of slaves under that clause of our constitution which admits them from the U. S. exclusively.

This attempt to evade the prohibition of the African slave trade, contained in our constitution certainly will not be sustained by the tribunals of this Republic, but it is also desireable that the Govt. of the U. S. should be apprised of such attempts to carry on a piratical commerce by her own citizens through her territory and in American vessells. I am therefore directed by the president to instruct you, to

[a] Nos. 5 and 6 relate to the appointment of Fairfax Catlett as secretary of the legation, to his salary, and similar details.

lay this subject before the Govt. of the U. S. and to request its co-operation on the Sabine frontier and in the gulf of Mexico, to enforce the laws for the suppression of the African slave trade.

Yours respectfully

S. F. Austin
Sec. of State.

Austin to Wharton.

No. 8.[a]

Department of State

Colombia *Decr. 19, 1836*

Hon. W. H. Wharton
Minister Pleney. to the U. S. of A
Sir,

Brigr. General Felix Huston, who is at this time commanding the Army, writes officially to the Sec. of war from Camp Johnson on La Baca, under date of the 13th instant as follows "Traviño[b] (a mexican) informs me to day, that when the Cherokee Chiefs were in Matamoros last summer, the interpreter, named Necibio Cortinez, who he says has been much with the indians, and about Nacogdoches, stayed at his house, and from him he learned that the indians had agreed with Urrea *to appear friendly with the Texans, until the mexicans crossed the Guadalupe, and then they were to march on the frontiers with five thousand warriors*"

Gen F. Huston writes that he has confidence in this statement of Traviño's and believes it to be true.

I am directed by the President to communicate this information to you, to be used as you may deem expedient in corroboration of the information heretofore collected relative to the disposition and intentions of the Indians to join the mexicans in the present war.

I have to inform you that John Woodward Esqr has been appointed by this Govt consul general of this republic for the ports of Boston, New York, Philadelphia, and Baltimore and that he is directed to report himself to you on his arrival in N. York, and apply through you for a recognition of his consul generalship by the U. S. Govt

Respectfully your most obt

S. F. Austin, *Sec of State*

Wharton to Forsyth.[c]

Dayton to Wolfe.[d]

[a] With this the numbering of the series from Texas stops.
[b] Treviño.
[c] December 19, 1836. See Wharton to Austin, December 22, 1836.
[d] December 20, 1836. See Wharton to Austin, December 22, 1836.

WHARTON TO AUSTIN.[a]

Despatch No. 1.

WASHINGTON CITY
December 22nd 1836

SIR

I arrived here on Monday the 19th. and immediately addressed the Secretary of State the following note by the hands of Col. Wolfe.[b]

[Next comes a copy of Wharton to Forsyth, December 19, 1836, asking an interview relative to Wharton's mission.]

In answer he stated verbally to Col. Wolfe that he would make it his business to see the President immediately on the subject and would let me hear from him on Wednesday the 21st. On Tuesday the 20th. I called on the President who informed me that he had directed Mr. Forsyth (Secretary of State[)] to see me on that day and late in the Evening of that day I received from him the following note

[Here is inserted a copy of Dayton[c] to Wolfe, December 20, 1836, acknowledging receipt of Wharton's note to Forsyth and stating that he may call at the Department of State whenever he chooses.]

As soon as business hours arrived on the next day Wednesday, I called at the State Department and had with Mr. Forsyth what he termed an informal interview of more than an hours duration. The most that I could get out of him was that the president would send a message to Congress on the subject of Texas in a few days. I told him that I wished to communicate to my Government immediately the result of our then interview and wished to say to it something that was *tangible*. He answered (that all I could now communicate was that the President would in a short time lay the Texas matters before Congress). I then urged him to hasten this communication to the President. He promised to do so and *that it would be made in all* [*probability(?)*] *this week*. With this we parted. At several times during our interview he observed that the President would be glad that we would get our recognition elsewhere first, and asked me if I was not empowered to proceed to England? I answered him in the negative. I asked why he thought so. He replied from the report of our committee on foreign relations. I asked him why the President wished us to obtain our recognition

[a] Filed separately are the following, which were probably enclosed in this: James Treat to Wharton, New York, December 21, 1836; S. Swartwout to Wharton, of the same date; and R. E. Handy to Wharton, also of the same. These letters give many interesting details relative to the feeling towards Texas in the United States, etc., but to save space they are excluded.

[b] J. M. Wolfe, acting secretary of the Texan legation. See Wharton to Burnet, April 23, 1836.

[c] H. O. Dayton, chief clerk of the Department of State.

elsewhere first. He said that our vote for annexation *embarassed* the matter. That if after that vote the United States were to recognize Texas too promptly it would seem as if it was a preconceived arrangement with which the United States had been frequently charged. That it would seem as if the United States were recognizing Texas to make her a Competent contracting party for the purpose of immediately annexing her.

I am satisfied that Morfitts report is very unfavorable. Gen Jacksons ill health putting it out of my power to talk freely with him is truly unfortunate. When his communication is made, I will write to you immediately. In the mean time I am forced to fear the worst in regard to the nature of it. You have doubtless heard of the new invasion of Texas said to be intended by mexico. This has given our enemies an excuse for delaying our recognition. It happens at a most unfortunate period for us. The same cause of complaint that existed last year (*while we were commissioners*) still exists, namely never hearing from the Government of Texas. Do put an immediate end to this. Depend not upon merchant vessels for a transmission of your correspondence with me. Send an express by land every week if you only have to say "*all is well.*" *I* will pay the expense of the express I have been already much embarrassed for want of timely information. Every body knows more of Texas and Mexico than I do, for I have not received a line from the Government since I arrived.

I have the honor to be yours etc

WM H WHARTON

WHARTON TO AUSTIN.[a]

Despatch No. 2

SUNDAY *December 28th.*[b] *1836*

SIR.

The Presidents message in relation to Texas has been communicated and has surprized every body. It has pleased no party "en-masse" except perhaps the abolitionists. Many of our administration friends dislike the delay recommended in relation to our recognition. Speculations are various in regard to what prompted the President to take this course. Some say it was the work of Mr. Van Buren for the purpose of transferring the responsibility from the Administration to Congress and that the President will recognize immediately if Congress recommends it by a Majority of even one. Others say that from the dissatisfaction and departure of Gorostiza, on account of the movements of General Gaines that the

[a] L. S.; Austin died December 27, two days after this letter was written.
[b] Should be 25th. See date of postscript.

United States apprehends difficulties with Mexico, and do not wish to give this new cause of offense, Viz. recognition believing that it will be difficult enough to explain to the world the causes of dissatisfaction already existing. Others say that the administration expect to acquire Texas by treaty with Mexico soon and thus remove all cause of complaint. Others say that Santa Anna is still viewed as President of Mexico. That he is shortly expected here and that if he treats with *me* and recognizes Texas, the Administration here will recognize and guaranty the treaty. I am at a loss to conjecture the true cause of the movement. Congress will probably recommend a recognition in the course of a week. If so, I think it will be made. I have not yet seen Morfits report although I have no doubt of its being extremely unfavorable. I will send it as soon as it can be had and if it contain any misrepresentations, you will certainly have them disproved immediately and the disproof forwarded to me to be used here in our defence. Governor McDuffies Message has produced an universal astonishment, but Gen. Hamilton has completely nullified and repudiated it in his report in the Senate of South Carolina all of which are herewith sent.[a]

The report of a new invasion of Texas by Mexico under Bravo has given an excuse for a delay of our recognition which our enemies do not fail to urge. The Invincible and Brutus are detained still in New York for debt. I have no means to release them and no instructions on the subject. All that I can do will be done, for their detention does us at this time particularly a great injury. The amount is about 24,000 dollars as the accompanying documents will show.

I suffer Crucifixion for want of any information from our Government. I have not as yet received a single letter from Texas. Do write frequently and give me explicit information and instructions on every subject connected with my mission. I have suffered much and am still suffering with a violent influenza. As soon as I am able to go out, I will endeavor to have a secret interview with the British Minister in accordance with my instructions.

I have the honor to be
Sir
Your etc

Wm. H. Wharton.

Monday *December 26th 1836*

P. S. I have delayed this despatch for the purpose of sending a copy of Morfits report along with it.

I have barely glanced over it and conceive that if his facts are taken for granted and his fancies and deductions are discarded the

[a] See *Niles' Register*, LI, 229, 242, 277.

report will do us no material disservice. There are however some egregious errors which you will readily perceive The violence of my influenza has not abated.

HUSTON TO THE SECRETARY OF WAR [JOHNSTON].[a]

HENDERSON[b] TO WHARTON.[c]

STATE DEPARTMENT
COLUMBIA TEXAS
December 31st 1836

To The Honb WM H WHARTON

SIR

Yours of the 2nd of Decr has been received by this department, and the credentials for you as agent of Texas have been made out and forwarded to you by Genl Hunt[d] to be used by you in the event of the Government of the United States refusing to receive you as Minister. Genl Hunt has been furnished with the like credentials, he has also been commissioned Minister *Extraordinary* to act in connexion with you the resident Minister Plenepotentiary. To him additional instructions for you both have been given to guide you in your negotiations.

I am directed by the President to say to you that Mr Wolf of whom you speak has no claims upon this Government as the Secy of Legation has been appointed and provided for.[e]

You will doubtless join with the whole Nation in lamenting the death of its founder Genl Stephen F Austin who departed this life on the 27th Instant; he was intered with military honors In his death the country has sustained an irreparable loss. That your own good health may long continue is the since[re] wish of

Yours With the Most profound respect etc

J PINCKNEY HENDERSON
Acting Secy Of State

[a] December 31, 1836. See Burnet to Dunlap, May 30, 1839.

[b] J. Pinckney Henderson was born in Lincoln County, North Carolina, March 31, 1808; reached Texas June 13, 1836, at the head of a company of volunteers; was attorney-general in Houston's cabinet, 1836; secretary of state, 1836–1837; minister to England and France, 1837–1839; special minister to United States, 1844; member of Annexation Convention, 1845; governor of Texas, 1846–1847; major general of volunteers in the Mexican War, receiving a vote of thanks and a sword from the United States Congress for gallantry; United States senator from Texas, 1858; died June 4, 1858.

[c] A. L. S.

[d] Memucan Hunt, a native of North Carolina, who came to Texas in 1836, arriving soon after the battle of San Jacinto; Texan minister to United States, 1837–1838; secretary of the navy in Lamar's cabinet, 1838–1839.

[e] Cf. Wharton to Austin, December 31, 1836.

HENDERSON TO HUNT.[a]

REPUBLIC OF TEXAS
DEPARTMENT OF STATE
Columbia Decr 31 1836

To The Honbl MEMUCAN HUNT
SIR

The following instructions are given you as a general guide by which you are to be governed in order to effect the important objects of your Mission. You have received your commission as Minister Extraordinary of Texas, to the United States of North America together with other papers necessary to show the perfect organization of the Government of this Republic etc And fearing that some difficulties may arise in relation to your reception as Minister previous to the Recognition of the Independence of this Republic by the Government of the United States you have been furnished with seperate credentials authorizing you to urge this desireable object as Agent of this Republic in which event you will act in concert with The Honb. W H Wharton the resident Minister or agent of this Republic near the Government of the United States. But should no difficulty arise in relation to your reception as Minister and you should be received as such you will then act in concert with The Honbl W H Wharton the resident Minister Plenepotentiary, and will be governed or guided in your negotiations by the instructions already given to that Honbl Gentleman by the late Secy of State, together with this letter which contains instructions for you and he jointly; founded principally upon facts arising out of the more complete organization of this Government since the departure of Mr Wharton for the United States. You will discover by the instructions above alluded to that, the principal objects of your Mission are 1st The recognition of the Independence of this Republic, 2nd. The annexation of this Country to the United States either as a seperate State to be on equal footing with the other States of the Union or as a Teritory with the right to admission into the Union as a State when she can number a sufficient amount of population to entitle her to admission according to the Laws of the United States. You will therefore procede to the Government of the United States at Washington City with as little delay as possible where you will confer and act in conjunction with the resident Minister of this Republic The Honbl Wm H Wharton, and in all your intercourse with that Government you will doubtless use the utmost frankness and candor. You will urge the recognition of the Independence of this Republic upon the ground that it is so *de jure* and *de facto*. So far as regards the *right* of Texas to declare herself Independent or the sufficiency of the reasons upon which she

[a] A. L. S.

founded her Declaration of Independence it is very clear that no other Nation has the right to enquire. This position has in all cases upon which the Government of the United States has heretofore acted been acknowledged, but from such an inquiry you will not find it necessary to shrink and your own knowledge of the causes together with the reasons contained in the instructions heretofore given to the resident Minister at Washington will be sufficient to satisfy so just and liberal a Government as that with which you will have the honor to negotiate should any be required. Therefore it occurs to me that the only point upon which the Government of the United States will require of you to satisfy it, is whether Texas is Independent *de facto*— has established a regular organized Government in all its parts. and is capable of sustaining itself. In addition to the evidence of these facts already furnished the Minister resident at Washington, you have been furnished with evidence to show that the Judiciary has been regularly and completely organized since the departure of Mr Wharton for that Government. The Supreme Court consisting of a chief justice and the Judges of the Supreme or Circuit Courts as his associates, the District or Circuit Courts consisting of a Judge for each Circuit or District, and the County or inferior Courts consisting of a Chief Justice in each County all have been organized by the late Congress of the Republic and the Judges of each elected and commissioned and are now prepared to hold their severl courts so soon as the time shall arrive when Congress have declared they shall hold them respectively. For the evidences to show that the other constituent parts of this Government are organized and in full opperation you are refered to the documents and instructions heretofore furnished to the resident Minister. To this end it may not be unimportant to show with what unanimity and good feeling the late Congress of this Republic acted and the harmony which prevaded throughout between it and the Executive also the entire confidence which prevailed throughout the whole Country in the several departments of the Government. Upon this point it will not be difficult to satisfy the Government to which you go that there is no danger of the permanancy of the Government being effected by internal dessentions. Another fact bearing upon this point may well be mentioned which is that of two of the three Gentlemen who were candidates for the Presidency having been appointed to two of the most important offices in the Cabinet, and all acting now with the most perfect harmony and good faith. As regards all other facts bearing upon this point you will find the instructions alluded to above amply sufficient.

Should the Government of the United States have recognized the Independence of Texas previous to your arrival at Washington or should it be done during your stay there in your capacity as Min-

ister Extraordinary you will then with the resident Minister urge the second object of your Mission—The annexation of Texas to that Government.

In addition to the reasons given in the former instructions you may urge it on the ground of the verry great commercial advantages as well as the naval strengt[h] which it would give to the United States, for in the event of [the refusal of] that Government to receive this Country into the Union either as a State or a Territory it may become necessary for Texas to form a Treaty of amity and commerce with England or some other European power which would forever and entirely preclude the people of the United States from enjoying any of the benefits resulting in Texas from the richness of her soil commerce etc etc etc These reasons may be very forcibly impressed particularly upon the Representatives of the Northern States from whom we may expect to meet the greatest opposition, because should Texas be attached to the United States the immense consumption of those articles principally manufactured in the Northern States will more than compensate for the additional strength which its annexation will add to the political influence of the South. The great and abundant supply of raw material from this Country will reduce the price which they will have to pay for the same and at the same time keep it at a more uniform price thus preventing the great fluctuations so frequently occuring in the United States to the distress and ruin of thousands. As things now are in the United States a partial failure one year will raise the price of the raw material much above its intrinsic or ordinary value, the next it will be suddenly reduced by an abundant crop, but open as this Country would do an immence territory for the production of cotton—land the richest and most productive in the world these fluctuations would not occur, as no failure w[h]ich could ordinarily happen would visibly shorten the supply. On the other hand should the Government of the United States refuse to admit this Country into the Union etc etc Texas would in all probability in order to gain immediate wealth strength and respectability be induced to form a Treaty with England by which all the advantages of commerce, wealth and strength would be fo[r]ever lost to the United States and important advantages given to a Power on her Southern border w[h]ich already confines her on the North.

In a nation[al] defensive point of view it is all important to the United States that she should possess this Country, with it, she might rest satisfied to see Cuba the key of the whole West Indies together with that whole chain of Islands in the hands of any other one power. The immence forest[s] of the best live oak in the world which are to be found in Texas would enable the Government at a

reduced expence to build and keep up a Naval power superior to that of any European Nation. She could in sight of the forests of live oak build launch and protect her Navy which would enable her to keep possession of the whole Ocean bordering on South America and the West Indies. But take from the United States these advantages and add them to England or any other power and it would hang like an Incubus upon her prosperity.

You may expect perhaps to meet with some opposition to the annexation of Texas to the United States from that portion of the States which is in favour of Abolition or opposed to slavery. So far as it regards slavery in Texas it cannot seriously be made an objection to our annexation, because it will not be increasing the *number* of slaves in the World as none are imported here from Africa or any other country except the United States. The Constitution of Texas forbids it and a law passed by Congress punishes any violation of it with death.

In the event that there should be doubts entertained whether a treaty made with this Government for its annexation to the United States would be ratified by a constitutional majority of the Senate of the United States you are instructed to call the attention of the authorities of that Government to the propriety and practicability of passing a law by both houses (in which it would require a bare majority) taking in this Country as a part of her Territory, this law could be passed, (provided Congress has the power to do so) based upon the vote of the people of Texas at the last election but in framing such an act great care should be used in order to secure all of the rights of Texas and its citizens as fully as you are instructed to have them attended to in any treaty which may be made. If such an act is passed you can give that Government the fullest assurance that it will be approved by this Government and people But inasmuch as this is rather a novel position you will speak of it with great prudence and caution. It is desirable under any and all circumstances that the United States troups now stationed near Nacogdoches should remain in that position. The position which they now occupy is one the most favourable to promote the great object of watching and keeping the different Indian tribes from committing hostilities upon the frontier of the United States and should the Independence of Texas be acknowledged or should no steps be taken towards it still the great regard which this Government and the people of Texas have for the Government and people of the United States will induce this Government to afford any and every facility in its power to secure to them peace and prosperity. Intelligence but recently received from Matamoras states that negotiations

have been carried on successfully with the Cherokees east of Naches[a] to commence hostilities against the whites as soon as they are informed of the approach of the Mexican army upon Texas.

The withdrawal of the American Troops stationed at Nacogdoches, from that vicinity, would operate as an Inducement to the Indians to commence aggressions upon the Inhabitants.

You will therefore urge this upon the consideration of that Government in the most impressive manner.

The President desires that you should renew the assurance of the very high regard and attachment which this Government and its people entertain for the Government and people of the United States and the distinguished person at its head.

J PINCKNEY HENDERSON
Acting Secy of State

HENDERSON TO FORSYTH.

REPUBLIC OF TEXAS
DEPARTMENT OF STATE
Columbia December 31st, A D 1836

To the Honbl SECRETARY OF STATE
OF THE UNITED STATES OF AMERICA

SIR

The President of this Republic, the Government and the People entertaining the most ardent desire to open and establish a diplomatic intercourse between this Government and the Government of the United States for the advancement of the interest of both Republics and for the purpose of procuring the Recognition of the Independence of this Republic by the Government of the United States and for the further purpose of procuring the annexation of this Country to the United States and establishing a Treaty of commerce and intercourse between the two Countries have appointed Memucan Hunt Minister Extraordinary and Plenepotentiary to the Government of the United States to act in conjunction with the Minister Plenepotentiary Mr Wm H Wharton heretofore appointed by this Government, these Honbl Gentlemen are fully informed and Instructed conserning the wishes of this Government in regard to the subjects upon which they will have to act. The President of Texas is desirable [sic] that these Honbl Gentlemen should be received in their Ministerial Capacity and that full credit should be given to all of their acts and expressions concerning the wishes and interests of this Republic and concerning the wishes of this Government and

[a] Neches; i. e., the river.

people for the wellfare and happiness of the Government and People of the United States

Given under my hand and private seal there being no seal
[SEAL] of office at Columbia the 31st day of December A D 1836 and of the Independence of this Republic the first

J PINCKNEY HENDERSON
Acting Secy of State

COMMISSION OF WHARTON AND HUNT AS AGENTS OF THE TEXAN GOVERNMENT.[a]

[President Houston appoints them agents and representatives of the government of Texas to the United States government, with full power as such to negotiate for the recognition of the independence of Texas.]

WHARTON TO AUSTIN.[b]

Despatch No. 3.

WASHINGTON CITY *December 31st 1836*

DEAR SIR

Up to this moment I have not received a single line from Texas, although I have seen in the Mobile papers an extract from the Texas Telegraph published near two weeks after my departure. Could not the same conveyance have brought me a Telegraph and also a letter from you? I implore you again and again to write to me more frequently—at least once a week. You know how embarrassing it is to be asked fifty times a day what news from Texas and to be compelled to reply I have had no despatches. I have received no communications as to what *our* Government expects from Santa Anna when he arrives here and I am often questioned on the subject by *those in office*. I have had great attention paid me by the members of both houses of Congress. Three fourths of the administration party and all of the White men and Nullifiers are warmly our friends and deeply deplore the delay in recognizing our independence recommended by the President. Many of them wish to obtain the sense of Congress on the subject believing that a majority will recommend to the President an immediate recognition and if so it will take place instanter.

I have answered them when they were speaking to me on the subject that *my* business was with the Executive branch of the Government and that any attempt on my part to appeal from a decision of

[a] December 31, 1836. This commission was intended for use only in case Wharton and Hunt were not received formally as ministers. See Austin to Wharton, November 18, 1836 (general instructions).

[b] L. S.

that branch to Congress or the people would be highly indelicate and injurious to the cause of Texas and that therefore I could not *and would not interfere.* At the same time I have implored them not to bring the subject before Congress unless they were absolutely certain of success for that a failure would be ruinous. With a few leading devoted and confidential friends and *a very few indeed* I talk with full freedom. It is folly to talk about annexation untill recognition is secured. I always dissever the two questions and request my friends to follow my example in saying as little as possible of annexation. The mingling of the two questions at present might defeat both and no doubt would. When recognition is secured, We can then talk of annexation. Our warm friends such Senators as Benton Walker Linn Calhoun and Preston very much fear that the delay in recognizing will operate injuriously in Texas and will produce an indisposition in the Government to *annex* or even to continue its Legation at this Court. I trust that our President and cabinet and people will bear it with *fortitude.* There is no earthly pretext for the delay but the new invasion under Bravo. If that should reach Texas or should prove disastrous, recognition would immediately ensue and every body with the fullest confidence anticipates one or the other of these results. Texas stands mountain high here for heroism and magnanimity and our enemies as low as can possibly be imagined. The release of Santa Anna has redounded greatly to our character No one here disapproves of it. All concur in the propriety of our being ready to act on the offensive in the Spring as recommended in my letter from Maysville by General Chambers.

The President is much better but still too feeble to attend to much business. I have said that the prospect of the new invasion furnishes the only pretext for delaying our recognition. I mean that this is the only excuse that can be given to the World for the step. As yet I am fully aware that a strong but secret reason for delay is the expected arrival of Santa Anna and the prospect of a treaty with him which will satisfy Texas and Mexico and at the same time save the United States Government in the eyes of the world from all imputation of having aided in our revolution or of having recognized us too promptly. This reason of course will be soon productive of the desired result, namely recognition or will cease to exist. I again repeat and recommend forbearance. Our Just our paramount claims have certainly been most unnecessarily postponed. Yet I have every confidence that our recognition will certainly take place during this session unless the enemy should be successful in their invasion which nobody for a moment anticipates. If we break off here too there is no reason to believe that any other power would treat us more kindly. Our failure of success at this court which is near us and well ac-

quainted with our political condition would be an argument against us at a remote one entirely ignorant of our situation.

The Brutus is by this time most probably released and Sam Williams and myself offered to pledge all we are worth for the release of the Invincible. The negotiation is not yet effected however.

I trust that James M Wolfe Esq. has been appointed Secretary of legation and that his Credentials will soon come on. Independent of his indefatigable labors in our cause for more than a year, since being connected with me in this mission, his conduct and attention to business have been most exemplary and his services invaluable. Indeed I could not half get along without him

I have the honor to be

Yrs etc.

WM H. WHARTON

Copied in Book No. 1 of legation

J. M WOLFE

Secretary etc

WHARTON TO AUSTIN.[a]

Despatch No. 4.

WASHINGTON CITY *January 6th 1837*

DEAR SIR

Not a line from home up to this date! How long must this continue to be the beginning middle and end of my communications! How long must I be compelled to suffer the great embarrassment which this silence of the grave inflicts upon me!

On the day before yesterday the Hon. Mr. Forsyth addressed me a note requesting an interview (informal of course untill we are recognized) at the department of State. I attended punctually and he informed me that the object of the interview was to lay before me a despatch which this government had Just received from Mr. Andrew Stevenson Minister Plenipotentiary near the Court of England. Mr S. stated that in obedience to instructions he had had a special interview with the Premier Lord Palmerston in relation to the part which England was disposed to take in the war between Texas and Mexico. He asked Lord Palmerston if Mexico had not applied to England for aid and intervention and he informed his Lordship very promptly that the United States would not permit the interference of any European power in that contest. His lordship replied that Mexico had applied indirectly, but that his Government had positively refused to to listen to any propositions on the subject that England would not in any way intervene or interfere and that she was entirely satisfied with the neutral course pursued by the Government of the U. S. since the commencement of the Texian revolution. Mr. Forsyth

[a] L. S.

authorised and indeed req[u]ested me to communicate the purport of this despatch to my Government. Similar opinions have been expressed by Mr. Fox the English Minister near this Court, and it is believed by those who are best informed on the subject that England anticipates the annexation of Texas to this nation as an inevitable event and is prepared to witness it without opposition or murmuring. Not from Mr. Forsyth but from a source equally official, I have learnt beyond doubt that the French Government take the same view of the matter. The French Minister said during the last summer that his Government had no more right to interfere in regard to Texas than had the government of the United States to interfere in the affairs of Belgium or any other Country bordering on France. So it seems that the fear of offending foreign powers need no longer prevent this government from recognizing or indeed annexing Texas.

In the course of conversation I asked Mr. Forsyth if he thought that a treaty of annexation would be ratified by Congress, after our recognition. I told him that even admitting we were recognized by this Government yet if we were not annexed, if we had to remain independent our best interests demanded that we should be apprised of the fact as soon as possible that we might immediately proceed to institute diplomatic relations with England France etc etc for the purpose of procuring our recognition forming treaties of amity, commerce etc. etc. I beg that what I am about to state as occurring between myself and Mr. Forsyth and the President will be considered as sacredly confidential. The publication of it under any possible circumstances would be extremely embarrassing and indeed unpardonable for some time to come. Mr. Forsyth replied to me that various conflicting sectional interests in Congress would have to be reconciled before annexation would be agreed to. I answered that I was well satisfied of that, and the object of my question was to learn from him whether in his opinion (after calculating and weighing materially (as no doubt he had done) all the objections and obstacles) a treaty of Annexation made by this Government would be ratified by Congress. He answered in the affirmative but said he thought it would be best done under the administration of a Northern President (Mr Van Buren for instance)

This you see is a postponement of the subject of annexation untill another session of Congress probably for several years it may be forever. Our Government will then duly consider whether the issue of the question of annexation is not too distant and doubtful to Justify the postponement of the institution of diplomatic relations with other powers untill after it shall have been decided. It is said by many and not without foundation that Mr. Van *Buren himself is anxious to have the glory of annexing* Texas under his administration. *I am myself compelled to believe that Mr. Van Buren is in*

favor of annexation and that nothing under heaven, but the opposition of Texas can postpone it longer than two years at farthest. I predicate my opinion upon information of Mr. Van Burens views derived from his most intimate and confidential friends, also upon the good sense of the Northern Statesmen.

The Northern Abolitionists and fanaticks will of course always oppose annexation, but the Northern Statesmen who consult the interests of their constituents as much as any other people clearly perceive that even with the present limits of the United States, the preponderance of political power will very soon depart from the North and permanently reside in the South and West. When the North has once and forever lost her political ascendency she will not object to an almost indefinite extension of the agricultural interest of the south and West, for the North will in that case become the Carriers and Manufacturers of a more extensive region which is all that they then will or need aspire to. Again this government cannot and will not consent to see an independent slave holding community existing contiguous consuming as they will the manufacturies [sic] of Europe alone and presenting a formidable rivalry to the Cotton and Sugar growing interest of Louisana and Missippi and the whole South. I have other reasons inducing this belief unnecessary to be detailed here. To be brief I believe that this Union will dissolve should the North obstinately oppose the annexation of Texas. The North seeing this and knowing that they would be the greatest sufferers by a division, that their misfortunes[a] would in such case find no market, that their carrying trade would be greatly curtailed, indeed the North finding that they would well nigh starve, would be forced even if against their will into the measure. I have given it as my opinion that annexation cannot be postponed longer than two years unless the people of Texas themselves oppose it. The question for us is will we or can we wait those two years? I design making it my business to see Gen Jackson on the subject to day: I will endeavor to quicken his operations, by telling him what I believe to be true that there is a wish to postpone the question of annexation until after this Session and thereby rob him of the glory of the measure. Understand me I do not in common conversation even hint at annexation now, nor will I until recognition is secured but with friends of undoubted confidence and expanded views I freely discuss the question in all its bearings

I will now proceed to detail to you a confidential conversation had with the President at his own request. Immediately after the appearance of his Texas message, I procured as many of his friends and of the friends of Texas to visit him as I could, to explain to

[a] The word originally written or dictated by Wharton was "manufactures."

him their surprise and the unusual surprise at the appearance of such a message coming from him and also to dilate upon the immense injury which it inflicted upon Texas so far as her finances and credit were concerned. He became as I was convinced dissatisfied with the position in which his message placed both him and Texas. My object was to obtain his assent to a move in Congress by his friends recommending to him the immediate recognition of our independence. In this I have succeeded. After many interviews between him and our friends on the subject of his message I called in obedience to his request. As soon as we met I commenced addressing his sense of Justice. I told him that his message had done us as much injury as he could possibly do us unless he were to unite his arms with Mexico and invade us. That it struck at the root of our credit. That without recognition we were begging off our public lands with great difficulty at fifty cents per acre, that with it we could dispose of any quantity at one dollar per acre. That we could get what supplies we wanted, build vessels etc etc with recognition. That we could immediately negotiate our 5 millions loan etc That he was mistaken in supposing that a delay to recognize would do neither party any harm. Of course it would do Mexico no harm, That it would please and animate her. That the Mexicans would have his message printed on Satin and circulated through all the Country. That it would disanimate our friends. That nothing but God himself could defeat our ultimate independence, but that his message would make our road to the attainment of it longer and more thorny. I asked him if he did not conceive us a de facto Government with ample physical ability to maintain our independent national existence. This he did not pretend to question. I told him that we in Texas unanimously thought that this was all that he would inquire into and finding this to be true that he would fearlessly assert it and recognise us regardless of what Mexico or England or any other power might say.

He replied that the object of his message was to obtain the concurrent action of Congress on the subject. I answered a majority of Congress were in favor of immediate recognition, but that many of the administration party forbore acting for fear of its being considered (*after his message*) as an attack on the administration. He said that that was all foolishness, he doubted the power of the President to recognize of himself he wished the sense of Congress on the subject and would immediately concur if a majority recommended it. This was all I wanted. His friends will move on the subject during the coming week unless something extraordinary occurs. I hope and believe all will go well and we will be recognized. During the conversation he observed that Santa Anna was still President of Mexico and that If I could make a treaty with him especially through the

Charge de Affaires of Mexico now at Philadelphia, that it would be valid. I answered that our claims for recognition were predicated on higher grounds than on any thing Santa Anna could or would do, but that of course I would make all out of him that I could. In regard to recognition however I observed that we claimed it as a right on the score of our being a de facto Government with ability to maintain ourselves and that I respectfully conceived that this Government was bound in Justice and in accordance with former usage to extend to us the sheer Justice of a recognition without reference to any thing Santa Anna could or would say or do. Thus we parted. I repeat it again and again, that Genl. Jackson impressed upon me the importance of the most sacred confidence in regard to our interview which I hereby wish to reimpress upon you. Mr. Forsyth exhibited to me a complaint of the Mate and some other officers of the *Brig Pocket*, which must be attended to. I told him it was all false I knew,—but I would lay it before our Government and obtain a history of that whole transaction. A Dr. Plantom herewith sends on an invention of his own in reference to railways Canals ect. He wishes a patent from our Government. The complaint it is said we are about making to this Government in regard to the African Slave trade, has already silenced our traducers and rendered us great service

I have the honor to be

Yours etc

WM. H. WHARTON

Copied in books of legation
J. M. WOLFE
Secry.

WHARTON TO FORSYTH.[a]

CATLETT TO AUSTIN.[b]

MOBILE
Jan'y 11th 1836.[c]

DEAR SIR,

After an unavoidable detention of eleven days at Velasco, and a most tedious and disagreeable voyage of fourteen days, I arrived at New Orleans on the night of the 7th inst. It gave me great pain to learn from Maj. Raines, that you had been extremely ill;—I sincerely trust that this letter may find you in a state of rapid convalescence.

Your various requests I attended to, as far as was practicable on a day of general idleness and public festivity. Messrs. Toby and Marle I was unable to see. Mr. Grayson is in N. Orleans. On Monday the 9th I took passage for this place. The Viper had not then

[a] January 11, 1837. See Wharton to Austin, January 15, 1837.
[b] A. L. S.
[c] Should be 1837.

arrived although she left Velasco on the same day with the Julius Caesar. Col. Turner[a] is on board of her, and has in his charge the scrip intended for David White Esqr. of this City.

You have doubtless by this time received President Jackson's message in relation to Texian affairs. I cannot express the regret, with which I gradually awoke to the unwelcome truth, that he is opposed to the immediate recognition of Texian Independence. I did not anticipate so cold blooded a policy from him. There is something within me however, that whispers that the message was a message of expediency not intended to sway the Congress from a just and generous measure, but to lull the jealousy of foreign powers, and gull the national vanity of miserable Mexico, while the work goes not the less surely on, and approaches the consummation of all that you most desire:—not only recognition but annexation likewise. A resolution has passed the lower house of the Legislature of Kentucky requiring their representative in Congress to vote in favour of recognition. There can be no doubt, if one can form an opinion from what he sees and hears, that our independence will be recognised by a large majority. The message is supposed to have been written by Mr. Van Buren; if so, it may be regarded as an omen of the ungenerous policy which he has determined to pursue in relation to Texas. It matters not. It will make his administration unpopular at the very outset. Texas has many strong friends in Congress and indeed the South and West are already arraying their strength in her favour. I greatly fear that the opposition will identify themselves with Texian interests for the selfish purpose of restoring their fallen party to power and breaking down the next administration. I feel confident that the questions of recognition and annexation will produce a general splitting up of the old democratic party, and I devoutly trust that the annexation of Texas may be the result. I would not have ventured to express the crude ideas of so inexperienced a mind as my own had I not been writing to one, who I know will view them with indulgence, appreciate them as ingenuously given, and not regard them as emanating from an intrusive or presumptuous disposition.

I shall get off tomorrow for Washington and if not unusually unlucky will arrive there by the 25th inst.

Please accept my sincere wishes for your health and happiness, and with sentiments of high consideration and respect,

I have the honor to be,
Your Obt Servt

F. Catlett

Honble. Stephen F. Austin
Secretary of State
Republic of Texas.

[a] Doubtless Colonel Amasa Turner of Gonzales.

HENDERSON TO WHARTON AND HUNT.[a]

COLUMBIA TEXAS
DEPARTMENT OF STATE
January 12th 1837

To The Honbl
Messrs WHARTON and HUNT

I am directed[b] by the President to instruct you to enter into a negotiation with Genl Santa Anna before he leaves the city of Washington for an exchange of prisoners

So far as regards the manner time and place of the exchange you of course must be the Judges as this must be done to suit as near as possible the convenience of both Governments

The *terms* of the exchange will be those which universally govern such transactions, that is, for all Texians who are now prisoners of War in the hands of the Mexican Government and who shall hereafter be discharged by that Government, so shall a like number of Mexican prisoners of war according to rank, be discharged by this Government and as regards the expense heretofore incured by either Government for keeping of[c] the said prisoners and that which shall accrue in the exchange you are instructed either to settle now or leave it for subsequent negotiation. It is however desirable that the exchange should be made as soon as practacable and if such an exchange can be agreed upon at this time with Genl Santa Anna and he should be favourably received in Mexico it will facilitate this verry desirable object

You will doubtless communicate frequently and fully to this Department your progress in your mission

J PINCKNEY HENDERSON
Acting Secretary of State

WHARTON TO AUSTIN.[d]

Despatch No. 5.[e]

WASHINGTON CITY *January 15th 1837*

SIR

I have the honor to acknowledge the receipt of your official communication of the 10th. Ult and of a private one under date of the 12th Ultimo. These are my first and last accounts from Texas since

[a] A. L. S.
[b] Written above "instructed," which is marked out.
[c] In the original "or."
[d] L. S.
[e] This number was apparently entered after the receipt of the despatch. See Henderson to Wharton and Hunt, February 19, 1837.

my departure. In obedience to your instructions I immediately addressed Mr. Forsyth the following note enclosing at the same time your despatch No 3

WASHINGTON [CITY,] *11th January 1837*

To the Hon. JOHN FORSYTH *Secretary of State*

SIR

I am informed by *Despatches* Just received from my government that certain tribes of Indians dwelling within the limits of the United States especially the Caddoes meditate an invasion of the Territory of the Republic of Texas. In consequence of this I am instructed to request and indeed insist that the United States troops should continue their occupation of Nacogdoches or some other convenient point on the Frontier believing that this government can in no other way promptly and adequately fulfil its *treaty* obligation to restrain its Indians from committing hostilities within our territory. In conclusion I wish it distinctly understood that the continued occupation of Nacogdoches or of any other point West of the Sabine will settle nothing one way or the other in relation to the boundary between Texas and the *United States.* This it is our wish and expectation to have established in perfect accordance with the treaty of 1819 between Spain and the United States

I transmit through the hands of J. M. Wolfe Esq a portion of the evidence on which this communication is predicated

I have the honor to be

Yrs WILLIAM H WHARTON

Mr. Forsyth returned the despatch through the hands of his Chief Clerk with a copy of the instructions of the War Department to the officer commanding on the Texas Frontier He stated that this government had already taken and would continue to take ample measures to restrain its Indians from committing extraterritorial aggressions in contravention of its treaty obligations.

I am satisfied from conversations with the President and Secretary of State that there will be no remissness on the part of this Government in regard to this delicate and important subject. I have exhibited as you requested my general instructions to the President and Mr. Forsyth. They appeared well satisfied with them. I asked the President if there was any thing unreasonable or objectionable in my instructions. He answered No. I asked him if after our recognition this government would turn a prompt and willing ear to the subject of annexation telling him that although we were recognized

yet if we were not annexed we would of course be compelled to institute diplomatick relations with other powers which we had not as yet done on account of our expectation of being annexed. He answered hastily about to this effect, ["] after your recognition there shall be no delay on my part in regard to any matter necessary to be discussed or settled between us" Here our interview and conversation were interrupted by visitors. There is an unwillingness to talk about annexation untill after recognition. After that I will not fail to press the matter so as to have it if possible decided under General Jacksons administration. Now in regard to recognition. I have been assiduous to have it brought forward ever since I ascertained it would meet the presidents wishes if Congress recommended it. I have had a formal interview with the committee of foreign relations of the house of representatives. They propounded to me a thousand interrogatories and I trust that my answers elucidated and strengthened our claims to an immediate recognition. The tables of the Members have groaned with pamphlets written by the abolitionists for the purpose of injuring and calumniating Texas. Besides many small essays I have finished a pamphlet signed ["]Jefferson" which puts the matter in a proper light and which has done great good. I herewith send some copies of it.[a]

I have been much with our friends Mr. R. J Walker of the Senate from Missippi. He is high in favor with the departing and the coming administration and has introduced a joint resolution recommending our immediate recognition which is made the special order of the day for Wednesday. I have no doubt of its passing—but politicians you know cannot be firmly calculated upon and I may be doomed to experience a disappointment. But I cannot I will not believe it untill I see it. "Sufficient unto the day is the evil thereof" After Wednesday you shall again hear from me

Yrs etc. WM H WHARTON

JANUARY 17th 1837

I have opened this communication to say that Col. Bee[b] and Almonte[c] have Just reached this place. They came in the night and day stage and Left Genl. Santa Anna Col. Hockley[d] and Captain

[a] The copies are not on file with the letter.

[b] Barnard E. Bee, a native of South Carolina, and a brother-in-law of Governor James Hamilton; secretary of the treasury under President Burnet, 1836; secretary of war under President Houston; secretary of state under President Lamar, 1838–1839; secret agent of Texas to Mexico, 1839–1840; minister to United States, 1840–1841; father of General Barnard E. Bee, who was killed in the battle of Bull Run.

[c] Juan Nepomuceno Almonte, a natural son of the priest Morelos; aide-de-camp, in 1836, to Santa Anna, and captured at the battle of San Jacinto; Mexican minister to the United States, 1841–1845 and again in 1853. For other biographical data concerning him, see Thrall, *Pictorial Hist. Tex.*, 477–479; *Appletons' Cyclopædia of American Biography*, I, 59.

[d] George W. Hockley, inspector general at San Jacinto; secretary of war under Houston, 1843; one of the commissioners to treat with Mexico for an armistice, 1843–1844. See Thrall, *Pictorial Hist. Tex.*, 555.

Patton between this and Wheeling. They are traveling in a private carriage and may be expected here to morrow. Col. Bee states that Genl. Santa Anna has been well treated on his Journey and has made quite a favorable impression wherever he has been. The Col has every confidence in his doing all that he can to bring about peace between Mexico and Texas on the basis of the independence of the latter. I will be able however to know positively his disposition on that subject in a few days. I really regret that you have given me no instructions in relation to any negotiations between Santa and myself

I have the honor to be
Yrs ect. W H WHARTON

Copied in books of legation.
J. M. WOLFE
Secry.

HENDERSON TO WHARTON AND HUNT.[a]

DEPARTMENT OF STATE
COLUMBIA TEXAS
Jan. 21th 1837

To The Honbl.
Messrs WHARTON and HUNT

It again becomes my duty to instruct you upon the subject of Indian hostilities in Texas, which may extend in future so far as to disturb the peace and safty of the people of the United States, in violation of the Treaty Concluded between the Government of the United States and the Republic of Mexico on the [fifth] day of [April] A D 183[1]

It is desired by the President that you should continue to urge the propriety on the part of the Government of the United States of stationing a sufficient number of regulars in the vicinity of the Town of Nacogdoches to keep the several tribes of Indians in subjection and prevent their commencing hostilities on the whites, as they know no distinction of Territory and if they once commence hostilities in Texas it inevitably will extend to the citizens of the United States. You can assure the Government of the United States that this Government has the fullest assurance and the most satisfactory evidence of which the nature of the case will admit that the Cherokees and their associate bands have undertaken to assist the Mexicans in overruning and destroying the people of Texas—that they formed a treaty with Mexico during the last summer at Matamoras by their chiefs and head men by which they engaged to pretend friendship to the whites until the Mexican army by their next invasion shall

[a] A. L. S.

have reached the Gaudeloupe River at which time they are bound to commence hostilities against the people of Texas in the East, so as to prevent them from joining the main army Genl Urea paid the said Chiefs at that time one thousand dollars in money and presents and at the same time gave them a Draft on New Orleans for five thousand dollars to be paid in arms and amunition.

These Indians have also undertaken to unite with them in the war: the Northern Indians as well as those of the Prairies, many of these Indian tribes inhabit that region of country bordering on the waters of Red river and the United States, so that the safty of families living on the borders of Texas but in the United States must necessarily be exposed to their cruelties in the event of their commencing hostilities

You are also instructed [to] say that the Caddos doubtless encouraged by the said treaty have already committed several murders—that about two months since they murdered Captn Beaston and several persons who were in Company with him on the Gaudeloupe river It is also reported to this Government from undoubted sources that the Caddos have within the last two weeks cruelly murdered a family about thirty miles North of Nashville consisting of an old man his wife and several children and about the same time killed two men who belonged to the Rangers in that region. This intelligence reached the Executive by Express on yesterday. Urge the propriety to the Government of the United States of *immediately* stationing at least five hundred men at or near Nacogdoches. As this request is made by the Government *de facto* of Texas and its consent given to the measure, the Government of the United States will be fully authorized in this course. By the Law of Nations one government is not bound to look beyond the power in possession of the Government with which it acts—it need not enquire who ought to be in power but who *de facto* has the administration of the Government at the time of action. If however the independence of Texas is acknowledged by the time you receive these instructions, it will remove all difficulty upon this point, but let not this event cause you to relax your exertions to effect this desirable object. Your own perfect knowledge of the situation of the country and the great danger to be apprehended from these Indians will of course enable you to make use of many arguments to pusuade the Government of the United States of the necessity of addopting the course recommended

Renew the assurance of the high regard and esteem which the President and people of Texas entertain for the President and people of the United States

Respectfully

Yours etc.

J Pinckney Henderson

Acting Secy of State

WHARTON TO FORSYTH.[a]

WHARTON TO HOUSTON.

No. 6.

WASHINGTON CITY
2nd. Feb. 1837.

SIR,

Not having heard of the appointment of a successor in the department of State to the lamented General Austin, I take the liberty of addressing this despatch to you, as well as my last by the hands of Maj. Patton. In my last, I stated that there would be no action by Congress on the subject of our recognition, until the arrival of Judge Ellis late Charge d' Affaires from this Government to Mexico, who had received his passports and was hourly expected here. The result has shown the correctness of my anticipations. Although the question has been frequently and warmly urged by our friends, the committee on foreign affairs have refused to report, and Congress of course has not acted up to this period, for they will not act without a report from the committee. Fortunately for us, Judge Ellis has arrived and if Congress is disposed to do us justice, his information will warrant an immediate recognition of our independence. Judge Ellis states that Mexico presents a most deplorable picture of anarchy, revolution and bankruptcy and that the threatened invasion is totally impracticable; 1st. from the inability to raise troops; 2dly. from the want of means to sustain them after they are raised.

Let it be recollected that the delay in recognising, recommended by the President in his special message was predicated upon the impending invasion, and we would naturally suppose that cessante causa, cessat effectus, and that there was nothing to prevent an immediate recognition at this moment:—nor is there in the estimation of the President or of any one else, disposed to take a just view of the subject. The President is entirely undisguised and explicit in his views for he told me to see the Chairman of the Committee on foreign relations, which I have done and to tell him that Judge Ellis, if called before the Committee, would convince them in five minutes of the utter impossibility of the new invasion. Yet, my dear Sir, after all this, Congress will not act without another message from the President, which he is not disposed to give: 1st. because he deems it unnecessary, 2dly. he says that the call for it by Congress is with a view to screen themselves from proper responsibility, and he is unwilling to gratify them. I will now tell you the whole secret of the reluctance of Congress to act on this matter. I have made it my business to unravel the mystery and I know that I have succeeded. Some of the members have openly avowed to me their reasons for wishing

[a] January 24, 1837. See Wharton to Rusk, February 16, 1837.

to postpone our recognition until the next Congress. It all proceeds from the Van Buren party. They are afraid that the subject of annexation will be pressed immediately after recognition:—that annexation or no annexation will be made the test of the elections for Congress during the ensuing summer:—that the North will be opposed and the South in favour of annexation, and that Mr. Van Buren will of course have the support of either the South or North in mass accordingly as he favours or opposes annexation. The fear then of throwing Mr. Van Buren into a minority in the next Congress induces his friends to desire a postponement of recognition at present, thereby keeping down the exciting question of annexation at the next elections and giving Mr. Van Buren more time to manage his cards and consolidate his strength. All of Mr. Van Buren's friends are not operated upon in this way, but a sufficient number are to prevent the favourable action of Congress at this session, without a new message or other impulse is given by the President. Be it understood also that many of those same individuals are in favour both of annexation and recognition, but they wish Mr. Van Buren to have his own time and select his own mode of bringing them about, and in their devotion to him, they prefer that Texas should in the mean time suffer by the delay of her recognition, rather than jeopardise his popularity. There can be no mistake in regard to the correctness of the above news. All that remains for me is to operate with the President, and to get him to quicken the action of Congress by another message. This I shall night and day endeavor to effect by using every argument that can operate upon his pride and his sense of justice. At an interview last evening, he told me to feel easy on the subject, that all would go right. He told me moreover that he was preparing a message to Congress, in which he intended to recommend the granting of letters of marque against Mexico and that his government would not longer submit to her injustice and outrages. It is the opinion of Ellis and of the President that Santa Anna will be reinstated in power. In which event the President said that there would be no more difficulty either between this country and Mexico or Mexico and Texas. He said that he had conversed freely with Santa Anna in regard to extending the at present open south western line so as to include Texas and that their views and wishes were in entire accordance. I have not failed to notify this Government that Texas protested against being concluded by any treaty between this Govt. and Mexico without her full assent. The President in answer assured me that he would perish before he would be guilty of any injustice to Texas or endeavour to bind her without her assent.

In my last by Maj. Patton, I requested that you would give me leave to return home after the rising of Congress on the ground that

Mr. Van Buren would not take the responsibility of doing any thing in the recess of Congress. Even if a treaty of Amity and Commerce were made after this session, it could not be ratified until the next Congress. I therefore repeat my request for leave to return home. I assure you I will not leave while there is a possibility of doing any good and I will return or fulfill any other duties in which I can be of service, if you desire it; for I hold myself ready to discharge the labours of any office however humble until peace is secured to our Country.

I have the honor to be with the
highest consideration Yrs. etc
(Signed) W. H. WHARTON
By F. CATLETT, *Sec. of Legation.*

His Excellency,
SAM HOUSTON,
President of Texas.

WHARTON TO HOUSTON.[a]

(No. 7.)

WASHINGTON [CITY,] *5th Feb'y 1837*

SIR,

Since my last nothing very important or definite has transpired, but appreciating your desire of being often apprised of the position and prospects of our Texas affairs, I will let no opportunity pass unimproved. A somewhat favourable development took place in the House of Representatives on thursday last. The motion of Mr. Boyd of K'y. to instruct the Committee on Foreign Affairs to report a resolution, recognizing the independence of Texas, was first in order. Mr. Cambreling moved to suspend the rules for the purpose of taking up the appropriation, which he said would consume very little time, and he added, moreover, that the Country was suffering hourly and greatly for the want of action on this bill. Notwithstanding the force of these remarks, and notwithstanding every member was convinced of the truth of them, yet seventy four sturdy friends of Texas refused to suspend the rules or to give any thing precedence of the motion to recognise our independence, and two thirds not being in favor of suspending, Mr. Cambreling's motion was lost. All of the 74. are considered our devoted friends and I know of many equally devoted friends both of recognition and annexation who voted with Cambreling on account of the great importance of immediate action on the appropriation bill. After this, the House adjourned. Friday and Saturday being private bill days, Mr. Boyd's motion did not come up. Nor will it be reached on monday, that

[a] L. S.

being Petition and Memorial day. It will however be first in order on tuesday, and I anticipate an interesting discussion and a favourable decision. The reasons, assigned in my last, as inducing Mr. Van Buren's friends to desire postponement, cannot be urged in debate, and I am of the opinion, that, when the subject is agitated, they will not oppose our recognition, for that would be to proclaim their leader the enemy of Texas, in which light he is not willing to be viewed, especially as the friends of our much mistreated country are so numerous and respectable and zealous in all parts of the United States. Senator Preston has just assured me that the Senate will take up the subject in a few days. That body is considered more certainly friendly to us than the lower House. I repeat it now that the views of the President are known to be favourable: discussion is all that is necessary. Our claims to immediate recognition are so palpable and paramount that no prominent politician of the South or West, or of the dominant party in any quarter, dare openly oppose it, however much he may secretly desire to prevent the agitation of the question altogether at this session of Congress. Moreover there is one consolation which I fondly clasp to my bosom as the pillar of my hope and support amid all the coldness, illiberality and injustice, with which we have been treated, which is that if Genl. Jackson finds that Congress will not act without another message from him, I am more deceived in him than I ever was in mortal man, if he does not under these circumstances send another message to Congress and have us formally recognized before he quits the Presidential Chair. Time will soon develope the truth or falsity of my hopes and calculations. The news from Vera Cruz up to the 9th. Jan'y is favourable for us. There is but little doubt of the reinstation [sic] of Santa Anna in power and of the utter impracticability of the threatened invasion.

When I wrote you last, I confidently expected to have an operation for the cataract, immediately performed on Mrs. Wharton's eye, so as to be ready to start home in March, provided you gave me leave to return. Since then I have consulted Dr. Smith of Baltimore, who, to my infinite sorrow, informs me, that an operation would be entirely useless, the sight having been destroyed by paralysis of the optic nerve before the appearance of this cataract. Under these circumstances, he says an operation would not restore her vision at all, and would at the same time greatly endanger her other eye. He says moreover that it is indispensably necessary that Mrs. Wharton should spend the summer at the Saratoga and White Sulphur Springs. Perhaps her life may depend upon it. I cannot therefore, to my inexpressible regret, spend the summer in Texas, even if I obtain your leave. I might possibly leave here in March and attend our Congress in May and return in time for the Springs.

I think it might be of service for me to be at our next Congress. I could tell more orally in one day about our hopes and prospects in this quarter than I could by writing for six months. Do with me as you please however. I assure you of one thing, the Govt. shall not be charged with my expenses when I am absent, or when I am not exclusively and devotedly attending to its business. If you will leave me a little discretion about my movements, I call God to witness, that, without reference to my private business, I will come or stay, as may in my judgment best advance the interests and honour of Texas.

The President has not yet sent in his message, recommending the granting of letters of Marque against Mexico. I anticipate his doing so tomorrow, for he informed me that his mind was unequivocally made up on the subject. I do not think that Congress will concur in his recommendation. Pity and contempt for the imbecility of Mexico will induce many to differ with the President. Moreover the commercial interest will in mass object, from a fear of having the ocean crowded with privateers of other countries, sailing under Mexican colors and commissions. The contest in this case would be very unequal; Mexico having no commerce to be preyed upon, while that of the United States whitens every sea. My own opinion is that the evils, resulting from a temporary suspension of commerce with Mexico, would be more than counterbalanced by its superior security in future. Again, the conclusion of the war would afford a favourable opportunity of extending by treaty the at present open South Western boundary of this Government to the Rio del Norte, with the assent of Mexico and of Texas.

I have the honour to be with the highest consideration,

Yours etc.

WM. H. WHARTON

WHARTON AND HUNT TO JACKSON.[a]

WHARTON AND HUNT TO PAGEOT.[b]

WHARTON AND HUNT TO FOX.[b]

PAGEOT TO WHARTON AND HUNT.[c]

[a] Washington, February 8, 1837. See Wharton and Hunt to Rusk, February 20, 1836.
[b] February 8, 1837. See Wharton and Hunt to Rusk, February 20, 1837.
[c] February 11, 1837. See Wharton and Hunt to Rusk, February 20, 1837.

HENDERSON TO WHARTON AND HUNT.[a]

DEPARTMENT OF STATE
Columbia 11 Feb 1837

To The Honbl,
WM H WHARTON AND
MEMUCAN HUNT

Sirs

I am instructed by the President to direct you to enter into such negotiations with General Santa Anna or any of the authorized agents of Mexico as may in your opinion and judgment advance the interest of Texas and bring about a termination of the present war between the two Countries, as regards the terms of said intended treaty you are to be the sole judges

In great haste

Very respectfully J PINCKNEY HENDERSON
Secy of State

WHARTON TO RUSK.[b]

[No. 8.]

WASHINGTON CITY *12th Feb'y 1837.*

Sir,

From your position in the Cabinet, I was aware of your free access to my Despatches and have not therefore written to you but once, (Jan. 12[c]) since leaving Texas. I trust my despatches have arrived safely, for they are very explicit and although the intelligence, they contain, is disagreeable and unexpected, yet it is such as will regulate in a degree our future action, and ought therefore to be known. To what they contain, I can add nothing now, except that we are still unrecognized. The subject is before both Houses, but from the mass of business necessary to be acted on, before this short session closes, from the failure of the Committees on foreign affairs to report on our case, and from the evident desire of many to prevent our recognition at this session, we still remain in "statu quo", I might say "ante bellum", for so far as an official notice of our separate existence is concerned, we have not at all progressed, since the commencement of

[a] A. L. S.

[b] L. S.; though not so marked, this is No. 8 of the series from the Texan agents. Rusk was a native of South Carolina, who moved in his youth to Georgia and thence to Texas in 1835; member of Convention of 1836; secretary of war under President Burnet, 1836, and later in the same year commander-in-chief of the Texan army; secretary of war again under President Houston, 1836; member Second Congress of Texas, 1837–1838; chief justice, 1838–1840; president Annexation Convention, 1845; United States senator, 1846–1857; committed suicide at his home in Nacogdoches, 1857. After the death of Austin, Rusk was appointed secretary of state, but declined.

[c] This letter has not been found.

hostilities with Mexico. There are three chances of reaching the consideration of our Independence at present—1st. A report from the Committee on Foreign Affairs, which is very slow in coming and rather doubtful if it ever will come. 2dly. Resolutions to recognize, which have been introduced by our friends in both Houses, and the mass of business has heretofore kept off these resolutions:—3d. Our friends will endeavor to discuss the merits of our question, when the appropriation bill comes up, by inserting an appropriation to defray the expenses of a diplomatic intercourse with Texas. In addition to these, I am now endeavoring to add another string to our bow, by getting up a memorial to Congress from the inhabitants of this District. This is now in successful progress, and will be presented tomorrow, which is memorial day. In this way our case may be reached, and I am satisfied that it will pass, if ever discussed; for no prominent politicians of the dominant party will dare oppose [it]. Mr. Van Buren has been told, in as many words, that it is in his power to procure or defeat our recognition at this session, and that the blame of a defeat will be charged to him, and will lose him the support of the whole South, where our friends are ardent and in the proportion of one hundred to one. This has alarmed him, and will doubtless quicken his movements. The Virginia Legislature has taken up the subject and will no doubt, in a day or two, instruct her Senators to recognize our Independence. We have, in obedience to instructions, put the British and French Ministers in possession of certain papers and documents, explanatory of the origin and object of our contest, and of our present position and prospects, and have requested them to ascertain, if a diplomatic agent from Texas would be received by their Governments, for the purpose of entering into a treaty of Commerce. I am in hopes that answers will be received by the meeting of our Congress in May so that, if treated unjustly here, we may act advisedly in turning our attention to some more friendly Court.

Genl. Hunt joined me about a week ago, and has been very ardent and energetic in promoting the success of our cause. We concur in our views and act in the most perfect harmony.

It is my wish to return to Texas after the rising of Congress. Nothing can be done here in the recess. Genl. Hunt, or, if convenient to him, our Secretary of Legation, F. Catlett Esqr. will be fully competent to all of the duties of the mission in the recess of Congress. My preference is to resign entirely, but if the President prefers my returning, I will do so. If left to my choice, I will not. Be so good as to lay this despatch before him, and to request him to inform me immediately, if my resignation here, officially tendered, will be accepted. In addition to the letters to the British and French Ministers Genl. Hunt and myself joined in a strong but of course highly respectful letter to the President in which we invoked his justice and

depicted to him the great injury, which this delay to recognize our Independence, inflicted upon the credit of Texas and upon the feelings of her citizens. Genl. Hunt and myself will unite in a despatch in a few days, in which, copies of all these letters will be sent to you. I am proud to repeat again, that the most perfect concurrence of views and harmony of action exists, between Genl. Hunt and myself, and that our Secretary F. Catlett Esqr. is every way competent to his duties and wholly devoted to them.

I have the honer to be
Yours etc. WM. H. WHARTON

To
The Honb'le
THOS. J. RUSK,
Secretary of State of
the Republic of Texas.

P. S. 13th Feb. I have kept this despatch open to inform you of the doings in Congress to day, a privileged question, (the arraignment of Reuben M. Whitney at the bar of the House for a contempt,) took precedence of memorials and every thing else, and will continue to occupy the House I fear for several days. In the Senate, Mr. Walker of Mississippi, who deserves the everlasting gratitude of Texas for his highminded and disinterested exertions in her behalf both last session and this, made an ineffectual attempt to call up the consideration of his resolution to recognize the Independence of Texas. Mr. Benton opposed him on the ground that his army bill was vastly important and was the unfinished business of the House, and he disliked the precedent of passing over the unfinished business. The army bill was taken up by a vote of 32 to 12, many of our warmest friends voting with the majority. I still hope that Mr. Walker's resolutions will be considered and decided favourably tomorrow, perhaps today. I will not despair of our recognition until the last moment of the session is past.

WM. H. WHARTON

GRAYSON TO WHARTON AND HUNT.

DEPARTMENT OF STATE
Columbia Feby 13th 1837.

To The Honbl
WM H WHARTON and
MEMUCAN HUNT

SIRS

The Secretary of State being confined today from indisposition, I am instructed by the President to inform you, that since the date of

the last communications made to you on the subject of Indian aggressions on the Brasos, fresh intelligence has been received by him of further outrages having been committed in the Eastern part of Texas in the neighbourhood of the Neches, within a few days past; two men of a small party having been killed there by the Caddoes and their associates as it is supposed. The President instructs me to say that he entertains no doubt, the Indians have been emboldened to the perpetration of these aggressions, by the withdrawal of the U States troops from this side of the Sabine, and he consequently thinks their immediate return is urgently demanded, to prevent the further occurrence of similar enormities. He has undoubted information of the course now being constantly practised by the Indians, bordering on Red River, which is to make incursions upon those districts of Texas which are most defenceless, for the purpose of stealing horses and other property and bearing them off to places of security near, and it may be too within the territory of the United States. A large number of fine American horses have lately been seen tied out, near to Red River, which there is no doubt had been stolen by the Indians from Citizens of Texas.

These incursions besides being attended with robberies, of every kind are but too often signalized by the more deplorable consequences of murder and bloodshed.

It is hoped that the Government of the United States, moved by the present undoubted signs of disaffection and disorder on the part of their Indians and of those bordering on their territory will feel the propriety, at the earliest moment of interposing within the confines of Texas, a military force of sufficient respectability, to restrain the excesses complained of, as it is certain that they can in no other manner effectually enforce the peaceful behaviour of their Indians and thus discharge the treaty obligation they are under in this respect.

I have the honor to be
Yr obt. Sevt.

P W Grayson *Atty Genl*

To Honbles
Wm. H. Wharton
and
Genl M. Hunt

Wharton to Rusk.[a]

Washington City.

No. 9

Sir,

As I stated in my former despatches, President Jackson and Santa Anna had a free conversation (not in my presence, but I was after-

[a] L. S.

wards informed of it by both of them) in relation to the extension of the United States boundary, so as to include Texas, by treaty with Mexico. Genl. Santa Anna informed me, a few days before he left this place, that he had requested the Secretary of State to furnish him, with the amount of claims held against Mexico by citizens of this Government, and that after ascertaining the amount, he would promptly state to this Government the additional sum of money, which Mexico would ask for a quit claim to Texas. He said he was not empowered to make a treaty here, but by having an understanding with this Government, he would at [the] proper time on reaching Mexico propose and carry into effect a treaty in regard to the cession of Texas. I asked him to state to me the highest offer ever made by this Government to Mexico for Texas, if it was no secret. He answered that it was no secret, and that the United States had once offered thirteen millions for Texas. He said that he could not think of asking now anything like that amount, and the main reason why he would ask any thing after the people of Texas had declared their independence, and deprived the Mexicans of the possession of that country was not so much on account of the money that Mexico was to receive for Texas, but it was to satisfy his people with the treaty, and make them consent to cease a further prosecution of the war against Texas. He said he was satisfied, that it was for the interest of Mexico and Texas, that there should be an immediate peace between them:—that he knew from his own observation, that Mexico never could conquer Texas, and that if she succeeded in temporarily overrunning the country, she could not hold it without standing garrisons of 20.000 soldiers, which Mexico could not raise, nor support, if raised;—that this threatened invasion was all a *humbug* and would end in smoke, and that he would immediately on reaching Mexico, issue his orders and put a stop to it:—that he would show the world that what he promised in his captivity in Texas, he would religiously fulfil in the Capitol of his Nation. He further said, that granting, he was the perfidious and ungrateful monster, he was so often represented, granting he would do nothing on account of gratitude or love for the Texians, yet that his own and his country's interest palpably dictated his intended course of future action, as already understood between him and us, which was the strongest guarantee for the faithful performance that could be given us. He concluded, by jocularly saying, that the United States had an overflowing treasury, about which, there was much debate and squabbling, and he hoped that I as the Minister of Texas would not oppose any obstacles to his obtaining a few millions from this Govt for a quit claim to Texas, which would be the means of enabling him to make a treaty, satisfactory to his nation, and at the same time, securing at

once and forever, the independence of Texas, or her annexation to these United States. He spoke with a great deal of feeling and apparent candour throughout. When he had finished, I replied that he was well aware, that our declaration of independence was a denial in toto of the right of Mexico to sell Texas or to make any Treaty or arrangement, that could, in any manner, or in the slightest degree, bind Texas, without her assent. He said, that he was well aware of this. I continued, that I could not for a moment believe, that this Government was ignorant of the correctness of this position on the part of the people of Texas, and that I knew that it would not be guilty of the injustice, the folly, the madness of attempting to bind Texas by any treaty with Mexico, without the free and full assent of Texas. I further continued that although the people of Texas denied the right of Mexico to dispose of any portion of their territory and claimed their existence as an Independent Nation, yet that it was too well known to be attempted to be disguised, that they desired to be annexed to the United States and that provided the terms and conditions, on which they were willing to be annexed, were previously secured and guaranteed beyond the power of doubt or cavil, they cared not if the United States gave to Mexico, for a quit claim, one million or a hundred millions, but that it was necessary to have the independence of Texas recognized by the United States, before any treaty was made by Mexico and the United States in relation to Texas. The reason of this I stated was obvious, for by the recognition, Texas would be made a competent contracting party and could in such case, stipulate for and secure the terms and conditions on which she was willing to be annexed, which she could not do if unrecognized. In short, I told him that the previous recognition of the Independence of Texas, would be demanded by me as an indispensable prerequisite, before I would give a shadow of assent to any treaty between Mexico and the United States in any way binding Texas. He admitted the force of this and said that no one desired the immediate recognition of Texas more than he did, that he had hoped it would have taken place, before he reached Washington. His reasons he said were these. The recognition of our Independence would greatly disembarrass him and enable him to make a much more favourable treaty for the United States;—that it would enable him to take a much smaller sum for a quit claim to Texas and the smaller the sum, the more certain the ratification of the treaty by this Government. After recognition, he could take a smaller sum, for he could say to his people, that Texas had been recognized by the United States; that by that recognition, she was virtually lost to Mexico, for it would give her what men and money she wanted, and that he, seeing this, had made the best of a bad bargain and had got

something for nothing. I thought he took a sound view of the matter, at least, it corresponded with my own. How far, he was candid and sincere, you are as well able to judge as myself.

On the same day Genl. Jackson sent for me and told me, that he wished to speak to me in the strictest confidence! That no one should know of what passed between us. He then proceeded to state that a conversation had taken place between Santa Anna and himself in regard to a treaty for the cession of Texas to the United States by Mexico. That it was necessary for him to read again the terms and conditions on which Texas was willing to be annexed to the United States, for, upon the practicability of granting those terms, and the amount of the public debt of Texas, which the United States would have to pay, would depend the treaty with Mexico. His idea was, that the amount of the debts of Texas would regulate the amount, which this Government could in reason pay to Mexico for a quit claim. I replied that I surely need not remind him, that we protested against and totally denied the right of Mexico to dispose of or in any way bind Texas, since alike in the field and the cabinet, we had vindicated and established a paramount and exclusive claim to all the territory of Texas. He replied that he admitted this and would *perish* before he would be guilty of any injustice to Texas, or attempt to bind her against her consent. I replied that it was truly humiliating to us to consent to be even nominally sold, after we had won the country by privations, sufferings, dangers and triumphs, unexampled, or at least unsurpassed in the history of man. He replied that this was true, but that the wound to our pride was only in name, in sound, not in substance, and that this Govt would not treat with Mexico for Texas, until after it had fully inspected the terms and conditions on which Texas was willing to be annexed, and determined to grant them. I replied to this, that we ardently desired to be annexed, and provided our own terms were secured to us, we would not, through false pride object to any sum, which this Govt for National character' sake might be disposed to give Mexico as *hush money* for a quit claim to Texas, it being perfectly understood that, by such purchase or treaty, they obtained no claim or shadow of jurisdiction over Texas without her full and free assent. I continued, that the sum, in this case, paid Mexico by this Government was a matter for its consideration not ours, that for our part, so confident were we of the justice of our claim to the exclusive sovereignty of Texas and our physical ability to maintain it, that we would give Mexico nothing but *lead*. But I continued, that the recognition of our Independence by this Govt must be a condition precedent and take place, prior to any treaty in relation to Texas between this Govt and Mexico. For by being recognized, we would be made competent contracting parties and could secure, beyond doubt or cavil, the terms on which we were willing to be an-

nexed. But that if a treaty for Texas was made by Mexico and this Government, before we were recognized and before we had secured our terms of annexation, then, and in that case, we would have to depend wholly on the justice and the will of this Govt to grant us our terms of annexation, which we were not at all disposed to do, and against which I solemnly protested. Moreover, I continued, that this treaty between Mexico and the United States might be rejected by the Senate of one or both countries and then Texas would be both unrecognized and unannexed, and that, therefore, I claimed as a matter of right, that the question of Independence should be acted on immediately, unconnected and unembarrassed with any other, and that it be decided on the broad and naked grounds of our being an organized de facto Government, with ample physical ability to maintain our national existence. I contended, that in accordance with former usage, these were the only facts necessary to be enquired into by this Govt in order to determine whether it would recognize our Independence or not. I further told him, that it mortified me to the soul to find that this Govt admitted the truth of these facts and yet forbore to extend to us the sheer justice of a recognition. I told him moreover, that if we were not recognized during this session, the people of Texas would view it as evidencing a coldness and illiberality, not to say injustice, on the part of this Govt which would excite one universal feeling of horror and amazement. In answer to this, Genl. Jackson hinted rather than asserted, that a recognition of the Independence of Texas by this Govt would prevent any treaty with Mexico by this Govt in regard to Texas, for it would be an open declaration that Mexico had no longer any jurisdiction over Texas or right to sell or bind her. I replied, that I did not conceive that such recognition could embarrass the contemplated treaty with Mexico at all. The recognition of the Independence of Texas by this Govt did not vary the relations between Texas and Mexico, did not in any way impair or diminish the right of Mexico to prosecute a war ad infinitum against Texas. The recognition of the independence of Texas then by this Govt did not furnish to Mexico any rational cause of complaint or war, but the annexation of Texas to these United States would be a just and serious cause of complaint or war on the part of Mexico, for it would transfer the war from between Mexico and Texas to Mexico and the United States, and would consequently render the resubjugation of Texas by Mexico totally hopeless and impracticable. The treaty, therefore, between Mexico and this Govt might recite, that the United States, being desirous to annex Texas and to restore the blessings of peace, gave to Mexico a specified sum for her consent and her relinquishment of her right to promote further the war against Texas. This would be a valid consideration. I concluded by reiterating, that the recognition of the Independence of Texas must

be a condition precedent, and that then the treaty should be tripartite between Texas, Mexico and the United States. With this, we parted.

In order to make myself perfectly understood, I addressed to Mr. Forsyth Sec'y of State the following protest. He seemed unwilling to receive it in writing, but I stated to him the contents and he replied that I might rest satisfied that this Govt would not be guilty of the injustice of attempting in any way to bind Texas or to compromit her honour or interests against her assent by treaty with Mexico.

Protest

WASHINGTON [CITY,]
24th. Jan'y 1837.

To
The Hon'ble JOHN FORSYTH
Secretary of State.

SIR,

Although my unbounded confidence in the justice of this Govt will not permit me to indulge the belief for a moment, that it would intentionally injure or compromit the honour or interests of Texas, yet I should fail in discharging my duty, were I not to protest formally and solemnly, as I now do, against any sale or disposition of all or any portion of Texas by Mexico to this Govt or against any attempt to bind Texas, in any way, by treaty or otherwise between Mexico and this Govt, without the full and free assent of the Govt of the Republic of Texas.

It may be proper to add that this assent I am empowered to give on the part of my Govt provided the terms and conditions, on which the people of Texas are willing to be annexed as laid down in my instructions, are definitely arranged and guaranteed by this Govt beyond the power of doubt and cavil. Being fully persuaded, moreover, that the people of Texas cannot be considered a competent contracting party to secure these terms and conditions, until after their Independence is formally recognized, I hereby claim that *recognition* as a condition precedent and prior to any treaty between Mexico and this Government, intended in any way to bind or compromit the Republic of Texas.

I have the honor to be with high consideration
Yours etc.

WM. H. WHARTON.

Want of time to [have[a]] the above copied has prevented my sending it on sooner. It will be recollected that no instructions have been

[a] Torn out.

given me in regard to any treaty, which was expected to take place between Genl. Santa Anna and myself, on his arrival in this City. (The only instructions I have ever received on this subject, are those relating to an Exchange of Prisoners, which reached me near a fortnight after his departure for Mexico). While he was here and after the refusal of his Chargé d'affaires at Philadelphia to obey his orders, I advised with my friends in regard to the course that I ought to pursue. I asked them, if it would be best for me to undertake to bring Santa Anna under the obligation of a written treaty. All said no. President Jackson was quite explicit in giving his opinion. He said that Genl. Santa Anna had no power, without the concurrence of his Chargé d'affaires to make a treaty that would be binding on Mexico. That his honor was all, at last, that we had to rely upon, and that he, Santa Anna, would feel himself more bound in honor without, than with a written treaty. He said moreover, that what Santa Anna had promised us was contained in his (Santa Anna's) letter to him, (President Jackson), and also in his public and secret treaties with our Govt ad Interim, during the last summer. President Jackson added, that Santa Anna's open assertions in presence of him and his Cabinet, that Mexico could not reconquer Texas and that he was determined to bring about peace on the basis of the Independence or Annexation of Texas to these United States, was all sufficient.

We are unfortunately still unrecognized. The disposition of some of Mr. Van Buren's friends to postpone the matters, combined with a multiplicity of unfinished business before both Houses produces the delay. I am now satisfied that the Committee on foreign affairs of the lower House will make a favourable report for us in a few days and that recognition will follow. Nothing but want of time can possibly prevent it. For fear that my Despatches in which I tendered my resignation of my present appointment may not reach you, I here repeat it, I wish to resign and return home after the rising of Congress. Genl. Hunt is willing to remain in discharge of his duties, and one Minister will in God's name be all sufficient especially in the recess of Congress. By my resignation, the Govt of Texas will be freed from the expense of a Minister's salary during the Summer, and, if deemed necessary, which I much doubt, another can be sent on next winter. When I return home, I will leave it with the Govt. to determine the amount to be paid me, and rest perfectly satisfied with its decision.

I have the honor to be with great regard

Yours etc.

Wm. H. WHARTON

P. S. Genl. Jackson says that Texas must claim the Californias on the Pacific in order to paralyze the opposition of the North and

East to Annexation. That the fishing interest of the North and East wish a harbour on the Pacific; that this claim of the Californias will give it to them and will diminish their opposition to annexation. He is very earnest and anxious on this point of claiming the Californias and says we must not consent to less. This in strict confidence.

Glory to God in the highest.

P. S. While I was writing the above the Committe[e] on Foreign affairs of the lower House, reported a resolution recommending the immediate recognition of the Independence of Texas, also an appropriation for a Minister to Texas. The report will certainly be concurred in, if there is time to act upon it, and if not, it is almost tantamount in the character and credit it will give to a complete and formal recognition.

It being important to know who are friends and for us, I communicate for your information that Mr Forsyth was opposed to the report of the Committee.

HENDERSON TO WHARTON AND HUNT.

COLUMBIA TEXAS
DEPARTMENT OF STATE
Feb 19th 1837

To the Honbl
Wm H WHARTON
SIR

Your despatches Nos 1 2 3 and 4 have been received also your despatch of the 15 of January not numbered but which I take to be the next in No and I am instructed by His Excellency the President to inform you that he is well pleased with the prospect of your success in your mission and the ability which you display in conducting the Negotiation

To The Hon
Wm H Wharton and
Memucan Hunt

From recent information received by the Executive in relation to hostilities committed on the frontier settlements of Texas by the Caddoe and Kickapoo Indians it again becomes my duty to instruct you Gentlemen to loose no time and spare no labour in again representing to the Government of the United States the necessity of its again occupying the station it formerly held near Nacogdoches in Texas with a sufficient number of soldiers to keep those Indians from committing such outrages in future

The information above alluded to as recently given to his Excellency the President of this Republic is that a party of Kickapooes in conjunction with some of the Caddo tribe amounting in all to between eighty and one hundred wariors made an attack a few weeks since upon our upper settlements on the Eastern waters of the Brazos River and murdered several families; that the attack was made without any thing to provoke it on the part of the Citizens of this Republic and threatens to extend through the settlements in that region as far as the line between this Republic and that of the United States without this Government being able to check it owing to the necessity of its holding all the soldiers of the Government in readiness to meet the Mexicans in the west in event of another invasion from that quarter. These Indians now occupy that region of Country East of the Naches and bordering on the line of the U. S. and have emigrated from the limits of the U. S. to that region without the consent of this Government or the Government of Mexico and taken possession of the grounds they now occupy. It is rumoured and accredited here that a genl combination of the different tribes of Indians in the North and East has been formed and encouraged by the Mexican authorities to commence a genl war in that region upon the whites and as those savages have no idea of the boundary between Texas and the U. S. or their separate political existence they will not confine their aggressions to our citizens alone, 500 soldiers stationed near Nacogdoches alone can prevent the continuation of such depredations

You mention in your despatch No 4 that complaint had been made to the Government of the United States by some officers of the Brigg Pocket. You can assure that Government that this Government will at any time cheerfully hear the claimants, and give all such as are entitled to it speedy justice as soon as their claims are properly laid before it.

I have the Honor to
be Gentlemen Yours
etc etc

J. Pinckney Henderson
Secy of State

Wharton and Hunt to Rusk.[a]

No. 10

Washington City
Feb 20th 1837.

Sir,

We have the honour to transmit to you a copy of a private letter addressed by us to President Jackson, appealing to his sense of justice and praying that he would no longer delay the recognition of our Independence; also a copy of a letter to the British and French Ministers, with the reply of the latter.

[a] L. S.

Washington City
Feb'y 8th 1837.

Most Excellent Sir:

The impossibility of holding any intercourse with the Department of State, in consequence of the refusal of the honorable Secretary to receive our communications, and the fear of interrupting you by a visit when you might be engaged, has induced us to address you this communication, which you can read at your leisure. Our zeal for the honour and the welfare of our adopted country is our only apology. We trust it will be a sufficient one. Permit us to say that we *know* that one, who has always been so prompt and conscientious as yourself in discharging all your public duties, will not blame us for endeavouring to fulfil the important trust, confided to us, by all honourable means in our power. If we appear to speak too freely, attribute it not to intentional disrespect, of which to you we are wholly incapable, but to the intensity of our feelings, excited by the delay on the part of Congress to extend to us the naked justice of a recognition of our Independence. By this delay Texas is suffering at every pore. Public confidence in our Government is to a great extent destroyed. Immigration is partially suspended. Our financial resources cannot be properly developed, and our credit is immensely injured. Had our independence been recognized at the first of this session, fifty families would have gone into Texas, this winter, where one has gone. Instead of begging off our lands with difficulty at 50 cents the acre, they would readily command one dollar, and our Govt would have been in possession of means to discharge all its pecuniary obligations and to establish its credit for the future on a firm foundation. We feel, that in asking a recognition of the Independence of Texas, we are not supplicating a favour, but are respectfully imploring the extension to us of that act of justice which this Government has properly and nobly extended to other rising Republics under far worse circumstances. We know that the claims of Texas to an immediate recognition are a hundred fold stronger than were those of Mexico or of the South American States at the period of their recognition. We present a perfectly organized Government in all its departments, in undisturbed possession of all the country we claim or contend for, and with ample physical ability to repel any invasion of our imbecile and bankrupt enemies. Indeed, what mortifies and astonishes us most is, that those, who refuse to recognize our Independence, at the same time, admit the truth of the only facts necessary to be enquired into before recognition;—that we are a de facto government, with ability to maintain our national existence. From sad experience we perceive that Congress will not act without you give another impulse to the matter. To you then we appeal most confidently, not to your sympathies but to your stern sense of justice. The eyes, the hearts and the hopes of our whole country are directed

to you more than to all the people of the United States, put together. We have sincerely thought that we could not be treated with coolness, illiberality and injustice, while you were at the head of the Government. We implore that we may not be disappointed in those hopes and calculations, which we confidently predicated upon the upright tenor of your whole character.

As ardent friends to annexation, which we profess ourselves to be, we tremble, when we anticipate the effect, which a refusal to recognize our independence at this session will have upon the people of Texas. It will certainly alienate their affections, embitter their feelings and cause them to view this Government as a cruel step mother. Treated with coldness by their native land, they will be reluctantly compelled to knock at some more friendly door, and it is not difficult to perceive that Texas, once independent by the recognition of England or France, with the superaddition of a favourable commercial treaty, is forever lost to the United States, so far as annexation is concerned. Considering the shortness of the present session, there is certainly not a moment for delay. For in such case, the Senate will not have time to act upon a treaty of amity, commerce etc. at this session. We feel that the prospect of a war with Mexico will do us no service, but on the contrary an injury, for it will lead off the attention of Congress from a consideration of our Independence; which we wish decided promptly on the broad and naked ground of our being a de facto Government, with ability to maintain our national existence. We do not wish the question of Independence to be connected with or embarrassed with annexation, nor with Mexico or any thing else. We write this letter for your own eye alone. We pray that our objects and motives may be correctly appreciated, that any warmth of expression may be attributed to our zeal for our country, and that we may be believed when we assure you of the profound respect, with which we are most truly yours etc.

(Signed) Wm. H. Wharton
Memucan Hunt

To,
His Excellency,
Andrew Jackson
President of the United States
of America

We called the next morning upon the President and he told us, that he had looked over the letter and that he desired the immediate recognition of the Independence of Texas, but that he could not appropriately send in another message to Congress on the subject, and had determined to leave the question with them, to decide as they should think fit.

Washington City
Feb'y 8th 1837.

Dear Sir,

We have taken the liberty of addressing you this communication, through the hands of Mr. Fairfax Catlett, our Secretary of Legation and of transmitting certain papers and public documents, explanatory of the origin and objects of the contest, in which Texas is engaged and also of her present position and prospects. It will be seen, by reference to the report of the Committee on foreign affairs, contained in the 38th number of the Texas Telegraph, herewith sent, to which we respectfully refer you, that Texas has the territorial capacity of exporting annually more than two hundred millions of dolls. worth of cotton and sugar. From the cheapness of her lands and the facility, with which citizenship is obtained, and the torrent of immigration at this moment, we may confidently anticipate that the natural resources of Texas will be developed by cultivation and settlement, in a manner and with a rapidity hitherto unexampled. This population will be mainly if not wholly agricultural and will therefore require no protective tarriff to cherish domestic manufactures at the expense of the planting interest, all or nearly all being planters. It is easy to perceive then that our policy and interest will lead to the establishment of a system of low duties, thereby obtaining the manufactured articles of France nearly as cheap as the duty imposed upon the raw material in the United States, and giving in exchange what France chiefly desires, viz., our cotton and sugar.

Under these circumstances, we have taken the liberty of addressing you, for the purpose of requesting that you will ascertain from your Government as promptly as practicable, whether a diplomatic agent from the Republic of Texas would be received by the Government of France for the purpose of negotiating a treaty of Amity and Commerce. Your attention to this matter will greatly oblige us.

With the highest consideration
Yours' etc.

(Signed) Wm H. Wharton
Memucan Hunt.
Ministers Plenipotentiary of the Republic of Texas.

To the Honble
M. Alphonse Pageot
Chargé d' Affaires
of His most Christian
Majesty.

WASHINGTON [CITY,]
Feb'y 11th 1837.

GENTLEMEN,

I have received the letter you did me the honor to address to me on the 8th inst. with several Documents in relation to Texas, accompanied with the request that "I should ascertain from my Government, whether a Diplomatic agent from Texas would be received by my Government for the purpose of negotiating a Treaty of Amity and Commerce."

The functions I have the honor to fill near this Government do not permit me to entertain officially any communication, that does not emanate from its constituted authorities, or to interfere in any question, which is not connected with the interests that arise from the existing relations between France and the United States. I am therefore compelled by a sense of duty to abstain from transmitting to my Government the request expressed in your letter of the 8th instant.

I am, gentlemen, with great consideration
Yours'
A. PAGEOT.

To Messrs
HUNT and WHARTON.

A copy of the letter to Mr. Pageot was addressed at the same time to the British Minister, Mr. Fox. No reply has as yet been received.

With great consideration
We have the honour to be
Yours' etc.

WM. H. WHARTON
MEMUCAN HUNT.

HENDERSON TO HUNT.[a]

DEPARTMENT OF STATE
Columbia Texas Feb 28th 1837

To The Honbl
MEMUCAN HUNT

Sir

The Honbl Wm H Wharton having asked and obtained leave to return home after the Congress of the United States shall have adjourned, I am directed by his Excellency the President to instruct you to remain at the City of Washington as resident Minister after

[a] A. L. S.

his departure. You will receive from that Honbl Gentleman all of the official documents in his hands in any way connected with his and your Mission which he has been instructed to deliver to you

It is desireable that frequent and easy communication should be established between the Citizens of the United States and those of Texas by means of regular mails in the Territory of the two Governments, which shall regularly meet at proper points on the dividing line and this Government having established regular weekly mail lines to Gaines Ferry on the Sabine River and also to Ballous[a] Ferry on the same river, You are therefore instructed to use all necessary exertions to induce the Government of the United States to extend their mail route to each of those points so as to accomplish this desireable object

You will from time to time and frequently communicate to this Department the progress of your mission

I am with highest consideration Yours etc.

J PINCKNEY HENDERSON

HENDERSON TO WHARTON.

DEPARTMENT OF STATE
Columbia Texas February 28th 1837

To the Honbl
WM H WHARTON
Sir

Your communication No. 6 February 2d has been received by his Excellency the President but the other you refer to as having been sent by Mjr Patton has not yet reached him

You request permission to return home as soon as the Congress of the United States adjourns. I am instructed by his Excellency to say to you that he regrets that such is your request and desire, but that you may have leave to return after the period referred to, and further I am directed by his Excellency to instruct you to hand over to the Honbl Memucan Hunt before you take your departure all official papers in your hands connected with your Mission as he will be instructed at the same time to remain as resident Minister in your stead

I am With High consideration
Your Humble Servant

J PINCKNEY HENDERSON.

WHARTON AND HUNT TO JACKSON.[b]

[a] Ballew's.

[b] March 3, 1837. See Wharton and Hunt to Henderson, March 5, 1837.

WHARTON AND HUNT TO HENDERSON.[a]

No. 11.

WASHINGTON CITY
March 5th 1837.

SIR

I have at length the happiness to inform you that President Jackson has closed his political career by admitting our country into the great family of nations. On Friday night last, at near 12 o'clock, he consummated the recognition of the Senate and the diplomatic appropriation bill of the lower House, by nominating a Mr. Labranche[b] of Louisiana, chargé d'affaires near the Republic of Texas. He also sent for Genl Hunt and myself and requested the pleasure of a glass of wine, and stated that Mr. Forsyth would see us officially on Monday. I close this brief communication on account of my intention to write at large after this interview with Mr. Forsyth. I repeat my desire to return home.

With sentiments of high esteem and consideration,
I have the honor to be
Yours' etc

WM. H. WHARTON

To The Hon'ble
J. PINCKNEY HENDERSON,
Secretary of State,
Republic of Texas.

P. S. Genl Hunt and myself addressed the following communication to President Jackson on the morning of the 3d inst.

WASHINGTON [CITY,]
March 3d 1837.

HONOURED SIR,

Believing that the late votes in Congress have sufficiently indicated that, in the opinion of that body, the time has now arrived, when the Independence of Texas should be formally recognized, we again take the liberty of appearing before you, to implore you, in the name of our country and by the friendship of our President and our whole population for you, to close your brilliant career by admitting Texas, at once, by some executive act, into the family of nations. The people of Texas feel that they have claims of the strongest nature upon you, individually. Many of them are from your own State and were induced to emigrate to Texas by the confidence they entertained, that they would be again received under the flag of their native land by the acquisition of Texas during your administration. Moreover, a large number of those, who won the

[a] L. S.

[b] La Branche.

battle of [San] Jacinto, sprang from the same noble State, and were taught the way to victory and to fame by your own practice and precepts. In addition to this, we feel assured, that in making the recognition which we here so ardently implore you will only be fulfilling what has been long expected from you by the whole people of the United States, and that you will also embalm your name forever in the gratitude of a rising Republic, which has proved herself so worthy to be free, alike by her wisdom and moderation in the Cabinet and by her valour and success on the field.

With the highest consideration
We have the honor to be
Yours' etc.

(Signed) Wm H. Wharton
Memucan Hunt

To
His Excellency
Andrew Jackson,
President of the
United States of
America.

Henderson to Hunt.

Columbia Texas
Department of State
March 14th 1837

To the Honbl
Memucan Hunt
Sir

There is nothing connected with your duty as the Representative of this Government at the Court at Washington which requires more constant attention than the subject of Indian hostilities in Texas to which you have been so frequently instructed to call the attention of the Government of the United States. News of new depredations and murders by the Indians reach His Excellency every week. This day news has reached him that The Honbl Mr Robison a member of Congress and five of another family have within the last ten days been murdered by the Caddo Indians. Those Indians have come over from the Territory of the United States and settled or rather are now wandering over that of Texas without any permission from this Government or that of Mexico before our separation by the declaration of our Independence. And by the treaty with Mexico that [government] (the Government of the U. S.) is bound to keep

those Indians and all others within its teritory, from committing depredations on the Territory of this Republic. These facts you will not delay in laying before the proper authorities at Washington and urge the necessity of that Government's immediately mounting at least 500 men to range on the frontier between red river and the Brazos River to prevent depredations in future of a like character

I am with Great Respect etc.

J PINCKNEY HENDERSON

JONES TO FORSYTH.[a]

HENDERSON TO HUNT.

DEPARTMENT OF STATE
Columbia Texas April 2nd 1837

The Hon
MEMUCAN HUNT

Accompanying this you will receive a copy of the commission of Nathaniel Townsend Esqr. as consul for the Port of New Orleans, which you are hereby instructed to give full faith and credit to. It will be necessary for you immediately to apply to the Government of the U. S. and produce the Commission in order to obtain his exequatur as consul in the accustomed manner, which you will forward to him immediately

Yours Respectfully

J PINCKNEY HENDERSON
Secy of State

CATLETT TO FORSYTH.[b]

HENDERSON TO THE PRESIDENT OF THE UNITED STATES [VAN BUREN].[c]

[Asks credence for Wharton.]

FORSYTH TO CATLETT.[d]

POINSETT TO FORSYTH.[d]

[a] March 28, 1837. See Catlett to Henderson, May 7, 1837.
[b] April 8, 1837. See Catlett to Henderson, April 15, 1837.
[c] The day of the month is not given in the draft of the letter, but the date April 10 is endorsed on the back of it.
[d] April 14, 1837. See Catlett to Henderson, April 15, 1837.

CATLETT TO HENDERSON.[a]

Despatch No. 14.[b]

TEXIAN LEGATION,
WASHINGTON CITY
April 15th, 1837.

SIR,

Your letters of the 13th [c] 19th and 28th February with one from Mr. Grayson of the 13th of the same month and another from the Secretary of the Navy of the 7th March [c] have been received.

I have now the honor to transmit to you a copy of my letter to Mr. Forsyth in relation to Indian aggressions upon our eastern frontier, urging also the expediency of establishing post routes between the United States and Texas;—together with his reply and that of the Secretary at [sic] War, Mr. Poinsett.

TEXIAN LEGATION, *Washington*
April 8th 1837.

Honb'le JOHN FORSYTH—
Secretary of State of
the United States

SIR,

Communications have just been received from the Government of Texas, which it becomes my duty in the absence of Messrs. Wharton and Hunt, to lay before you and invite your favourable consideration of the wishes therein expressed.

It is desired by my Government "That a frequent and easy communication may be established between the citizens of the United States and those of Texas by means of regular mails in the territories of the two Governments, which shall regularly meet at proper points on the Sabine river."

"Regular weekly mail lines having already been established by this Government to Gaines' and Ballou's ferries on the Sabine river, it is desired therefore, that the mail routes of the United States may be extended to each of these points, so as to accomplish the important object of securing a safe and expeditious intercourse between the citizens of two countries, so closely connected by ties of blood and contiguity of territory."

Although fully persuaded of the importance of such an arrangement to both Governments, in consequence of the peculiar relations, which now exist between them, and indeed of its necessity, as the

[a] A. L. S.

[b] Neither among the originals in the State Library nor the copies in the record books of the Department of State can be found any trace of Nos. 12 and 13. See Webb to Dunlap, March 14, 1839.

[c] No copies of the letters bearing these dates have been found in the Texan archives.

communication by sea, at all times attended with hazard, might by possibility be cut off entirely for a short time;—yet I am too well aware of your superior ability to appreciate that necessity and importance and the great convenience it would prove to your numerous citizens, who have friends and relations and important commercial connexions in Texas, either to tax your patience with any further suggestions of my own upon this subject, or to apprehend that the desire of my Government will not be promptly and favourably responded to.

Herewith, I have the honor to transmit to you a copy of a despatch from the Secretary of State of the Republic of Texas, on the subject of Indian Aggressions upon our eastern frontier, complained of in Messrs Wharton and Hunt's letter to you of the 14th ultimo,[a] and also a number of the Texas Telegraph, in which I beg leave to refer you to some remarks upon the same head.

The wishes of my Government are so distinctly expressed in that despatch, that I would respectfully solicit your attentive perusal of it. Although the Government of the United States has already clearly signified its determination to hold the Indians in check in the quarter referred to, yet, as it is the decided opinion of my Government, that the object can only be effected by the United States reoccupying Nacogdoches or some contiguous point, I trust you will not deem it supererogatory in me to lay that opinion before you and to express my earnest hope that it may still meet with the concurrence of the Government of the United States.

I would also invite your attention to the latter part of the despatch, which has reference to the condemnation of the brig Pocket and cargo, by the authorities of Texas.

I have the honor to be, with sentiments of distinguished consideration,

Your Obedient Servant—

FAIRFAX CATLETT.

(The despatch, referred to in the above letter, bears date 19th February, 1837;—Telegraph, 28th of the same month)

The following communications in reply were handed in this morning.

DEPARTMENT OF STATE

Washington [City,] 14th April, 1837.

FAIRFAX CATLETT, Esquire,

SIR,

An extract from that part of your letter of the 8th instant together with the enclosure, suggesting the expediency of again ad-

[a] See Calendar.

vancing the troops of the United States to Nacogdoches or some contiguous point having been referred to the Secretary of War, I now transmit a copy of the reply of that officer.

An extract from that part of your letter which relates to the establishment of a communication by post routes between the United States and Texas, has been referred to the Post Master General.

I have the honor to be
Sir,
Your obedient servant,
(Signed) JOHN FORSYTH.

WAR DEPARTMENT
April 14th. 1837.

SIR,

I have attentively examined the papers, referred to me by you on the 11th. containing an extract from a note addressed to the Department of State by the Secretary of Legation of Texas, together with the newspaper and a copy of the documents by which it was accompanied, complaining of murders and depredations being committed by a party of Caddoes and Kickapoos upon the inhabitants of the upper settlements of Texas on the Eastern waters of the Brassos river, and containing further suggestions as to the expediency of again advancing the troops of the United States to Nacogdoches or some other contiguous point.

Immediately on receipt of the former communication on this subject by the Hon. Mr. W. H. Wharton and the Hon Mr. Memucan Hunt, measures were taken by this Department to augment the force on the frontier, where a hostile feeling among the Indians has appeared, and orders were despatched to the officer, commanding there, to use increased vigilance to restrain all hostile manifestations on the part of the Indians, and to maintain our treaty stipulations. These orders will be reiterated, and every exertion will be made to increase our force along that frontier, where it is believed, military stations can be occupied better than Nacogdoches affords for the purpose of compelling the Indians to maintain peaceable relation with the whites by force, if it should become necessary to use force for that purpose.

I have the honor to be
Your Obt Servt

J. R. POINSETT.

Hon. JOHN FORSYTH
Secretary of State.

Mr. Pointsetts feelings are so strongly interested in behalf of Texas, that I can not doubt he will use every exertion to restrain the Indians from encroaching any further upon our eastern settlements. His attention too has been drawn to the importance of holding a considerable force in readiness in that quarter by sundry newspaper paragraphs, published in the Southern and western papers of the United States.

Genl Hunt is still absent. I expect him here in a fortnight from this time, and it is not unlikely he will return sooner. Shortly after his departure, I called upon the Secretary of State and showed him my authority to act in the capacity of Texian Chargé, during the absence of the Ministers. He told me that he could not formally receive me as such, inasmuch as Messrs Wharton and Hunt had not been regularly accredited, and my commission as Secretary of Legation rested upon a Texian Minister being first formally received and accredited by this Government. But that the want of a formal reception should make no difference so far as essentials were concerned.

I perceive by a newspaper that a Mr. Townsend has been appointed Texian Consul for the port of New Orleans. I presume he is aware of the necessity of his being formally recognised as such by this Government, before he can properly enter upon the discharge of his functions; but he has not yet applied for an exequatur, though the reason probably is that sufficient time has not elapsed to hear from him.

I have frequently the pleasure of seeing General Ripley and conversing freely with him upon the affairs of our Republic. He speaks of paying you a visit this summer. He possesses a large stock of information upon Texian and Mexican matters, and is as deeply interested in the successful issue of our Revolutionary struggle as any friend of Texas, that I have met with. He strongly advocates the expediency of seizing upon Matamoras, and the Brassos S't. Iago,[a] and establishing a town upon the eastern side of the Rio Del Norte.

I shall do myself the honor to write you again in a few days, and with assurances of high respect and consideration, remain

Your Obedient Servant

FAIRFAX CATLETT
Sec'y Texian Legation.

Hon'ble J. PINCKNEY HENDERSON
Secretary of State of the
Republic of Texas.

P. S. The news has just arrived here from Vera Cruz, that Santa Anna is again at the head of the Mexican invading army.

[a] Brazos Santiago.

Hunt to Henderson.[a]

No. 1.

No. 1 U. S.

Vicksburg Missi, *April 15, 1837*

Dear Sir

I have been ill at this place more than two weeks, but am now restored. I wrote to you when I was on the eve of leaving Washington. I now seize an opportunity to do so again. I repeat the propriety of sending a secret agent to Great Britain to ask the recognition of our Independence. That Government will naturally ask wherefore, as it is the expressed wish of the Texian nation to become annexed to the United States by an almost unanimous vote that to make a treaty with Texas to be annulled at her pleasure could not be listened to for a moment. and that unless higher and more advantageous terms could be offered to Great Britain, she would not enter into diplomatic relations with Texas; and it will in my opinion be the policy of our government to promise to G. Britain (in event of our sending an agent there. and failing to become annexed to these States, *after all efforts have failed*) to give to her by treaty such commercial advantages as it will be our interest to do, in which event she will be induced to recognize us: the success in attaining which, will I believe guarantee our annexation to this country, for so ardent are the Southern States to procure the annexation of Texas to the Union that I believe the consequence of a failure to accomplish it, will produce a dissolution of the Union That an exercise of such determination will be withheld however, as a dernier resort I likewise believe, and for us to be recognized as Independent by Great Britain with the expectation and belief on the part of these States that such relations would be entered into as to prevent forever our annexation to the latter would at once make up the issue and our success or failure in accomplishing the desirable end of annexation be determined upon by this Government, and even the Northern politicians sooner than see the consequences, to which I have adverted, would perhaps advocate our connexion. The North cannot prosper without the existance of a confederacy of the South, on the other hand, the South cannot only exist without the north but prosper to a much higher degree seperated and with Texas annexed and the power to overrun all Mexico and make such a disposition of that country as it may be her interest to do until it could be

[a] L. S.; endorsed "rec'd Houston Aug. 26, 1837 Despatch No. 20." Below the address on the back, to the left, is written "Mr S. B. W. Rudder." the name of the bearer. The "No. 1" marking the serial place of the letter was entered at the time of writing, but the letter was recorded on the books of the legation at Washington as "No. 20." See Hunt to Secretary of State of Republic of Texas, July 11, 1837.

peopled throughout with Anglo Americans would make a Southern confederacy with such consequences, decidedly in time to come, as to make it the greatest nation upon earth. The calculating northern politician foreseeing these results should not hesitate to accede to the annexation of Texas. The South would be less excited upon this subject but for the action of the late congress upon a resolution relating to a proposition of J Q Adams asking the Speaker of the House of Representatives whether it would be in order to present a petition from slaves, the action upon which you have seen, doubtless in the public journals. I know of no circumstance which has so much increased the zeal of Southern politicians for us as this, and we may justly set down an act of one of our worst enemies as being more advantageous to us than the most studied movements of our best friends. If we send a minister to England publickly it would set all the abolition papers in that country instantly upon us and such an effect might be produced as to present a result contrary to that which would otherwise accrue. The same consequences might exist here too, for so soon as it is known that we have opened diplomatic relations with G Britain, and it is probable that this result will be such as to prevent annexation, a paper issue with the abolitionists and the friends of annexation will be the consequence and Mr Webster himself has been heard to say that no politician in New England can maintain himself who opposes the abolition of slavery, he is an honest man and I have no doubt spoke advisedly and truly. The conviction induces me to think it best for our success that such action should occur on our part as to produce as little excitement in the north as practicable until we succeed or fail in the attainment of the end we desire, for fanaticism, at least for a time, will overrule the wisest and most salutory disposition of the most learned and influential politicians. On the other hand if we can be recognized as Independent by G. Britain and bring the question of annexation suddenly upon this government, whilst Congress is in session, our difficulties will be contended for with uninstructed legislators which will not be the case should the north become excited upon the subject. The Northerners are a law abiding people and if we could once get a treaty of annexation through, I believe all difficulties would be over. One of the greatest difficulties which seems to influence a hesitation on the part of the politicians who are favourable to annexation, residing in non-slave holding states, is that it would be a premature act without the consent of Mexico, or a cessation on her part of all hostilities against Texas. Unless Santa Anna succeeds as I wrote you in my last, we cannot expect this without conquering Mexico, and I know of nothing else

which would be a remedy, save the recognition of our Independence by G. Britain for I believe that no scruples would exist on the part of the U States in making a treaty of annexation with Texas provided a power so respectable as G. Britain were to recognize our Independence. But unless Mexico relinquishes all claim to Texas or some respectable nation recognizes us, we may not anticipate even an action upon the subject by the U States. I received, from Mr Catlett, secretary of legation, since my arrival here a letter mentioning that he had received a communication from the Secretary of State of the United States saying that such a disposition of the U States troops should be made near the borders of Texas as to prevent (if practicable[)] the recurrence of Indian hostilities, by any tribes belonging to the Jurisdiction of this government. The communication has reached you, doubtless, as Mr C. informed me that he had forwarded a copy of it to you. I shall visit the seat of government of this state when I shall find the Legislature convened on the 17th inst. I shall endeavour to produce as much feeling in favour of annexation as I can. There is nothing now so near my heart as the wish for the accomplishment of that end, and rest assured Sir of my full and uncompromising convictions that our interests and happiness could in no way be so much benefited as by its accomplishment, unless it be the annexation of the slave holding states in event of a dissolution of the Union, which we should receive incalculable benefits from. Should a commission not have been forwarded to me, directed to the President of the U States in place of the informal one directed to the Secretary of State, please attend to it without delay; and it had best be worded in such a manner as to authorize me to act with full power in the absence of Col Wharton, for should there be a specification as existed in my other commission, that I am to act in concert, I should be unable to do any thing officially in his absence. Every thing of importance having been accomplished, contained in the instructions of his Excellency the President, with the exception of annexation, and there being no prospect of any action on this important subject by the Executive of the U. States at the present, I have thought it most judicious in me to give my time and presence such direction as may be best calculated in my judgment to accomplish the very desirable object, and among other movements I have concluded to visit the Hon. Thos. H. Benton, at St Louis, on my return to Washington, who is already friendly to the accomplishment of annexation, and can do us more essential service in that respect perhaps, than any one in the U States. I will continue to keep you advised of my movements and actions and should they not entirely accord with the wishes of his Excellency the President, a

cheerful acquiescence on my part will be the result of any instructions which it may be his pleasure to suggest, of a different character.

I have the honor to be,
your obedient servant

MEMUCAN HUNT

To,
Hon: J. P. HENDERSON
Secretary of State
of the Republic of Texas

CATLETT TO HENDERSON.[a]

Despatch No. 15.

TEXIAN LEGATION, WASHINGTON CITY
April 29th. 1837

SIR,

I write in haste, because the information I have to communicate to you is of an important nature and I wish to despatch it by the Express mail of to day.

I received a message this morning from the Chief Clerk of the Department of State, expressing a desire to see me as he had an important communication to make to me under the instructions of the Secretary of State. I accordingly called upon him without delay and he read to me, confidentially, some parts of a letter addressed to the State Department by the American Consul at Mexico, dated 28th. March;—stating that on the Saturday previous, a resolution was offered in the Mexican Congress by Genl. Michelina to dispose of Texas and as far South as might be deemed expedient, to the British Government for 25 cents an acre; the boundry line between Texas and the United States to be settled agreeably to former treaty stipulation. The Consul gave it as his opinion that the project would certainly meet with the concurrence of the Chambers.

I enquired whether any thing was said in the letter of any overtures having been made on the part of the British Government to Mexico for the purchase of Texas, and whether any thing was said of the probability of the British Government acceding to such a proposal. He replied in the negative. I thanked Mr. Dayton for his kindness in giving me the above information and requested him to let me have a copy of those parts of the letter which he had read to me, in order that I might transmit it to my government in proper form. He said that he would not do so without the permission of the Secretary of State; that he would speak to the Secretary, and if

[a] A. L. S.

no objection was made that he would send it to me. I took occasion to remark that if such an offer were made by Mexico and accepted by Great Britian it would inevitably involve the United States in a war with that power. I did not call upon the Secretary of State because there was not sufficient time to see him upon the subject this morning and communicate any conversation which might pass between us in this despatch.

I have the honor to be
Your Obedient Servant,

FAIRFAX CATLETT
Sec'y Texian Legation

Honble J. PINCKNEY HENDERSON,
Secretary of State
of the Republic of Texas.

CATLETT TO FORSYTH.[a]

CATLETT TO HENDERSON.[b]

Despatch No. 16.

TEXIAN LEGATION
WASHINGTON CITY
May 7th. 1837

SIR,

I had the honor, on the 29th. ultimo, to communicate the substance of certain important intelligence, which was confidentially imparted to me on that day by the Secretary of State of the United States. At my request, an extract from the letter of Mr. Jones, the American Consul at the City of Mexico, was transcribed and sent to me, and I now transmit you a copy of it, together with the letter I addressed to Mr. Forsyth on the subject of the information referred to, and a brief account of the conversation which ensued.

Extract.

CONSULATE OF THE U. S. A.
Mexico 28th. March 1837.

SIR,

General Michelesia[c] presented a project to Congress, in Secret Session, on Saturday night last, to dispose of Texas, and as far South as necessary, to the British Government, at the rate of twenty five

[a] May 2, 1837. See Catlett to Henderson, May 7, 1837.
[b] A. L. S.
[c] Michelina (?). See Jones to Forsyth, March 28, 1837.

cents per acre, in order to pay off the British debt, which is about Sixty Eight Millions dollars, first establishing, the boundary line between the United States and Mexico, in conformity to Treaty stipulations, and it is not doubted, under the present state of feeling, of the concurrence of the Chambers, in the project proposed, the matter is kept quite a secret.

General Bustamente has received the votes of the Departments for the Presidency, as far as heard from. If elected, it is said, that Santa Maria now in Spain, or Canedo, in Peru, will be Minister of foreign Relations, Lobuja of Finance, War Department, no good man found yet, Interior not fixed upon but insignificant.

Government have been in Treaty with Rubio and others for a loan of 480,000$ monthly, for which the entire control of the Marine Customs in the Republic were to be given, notwithstanding there are several millions of custom house paper still afloat, issued for previous loans. The negotiation, I am this afternoon informed, has failed.

M D Jones.

Honorable John Forsyth,
Secretary of State,
Washington.

On receipt of this extract I wrote to Mr. Forsyth in the following terms.

Texian Legation, Washington
May 2nd. 1837.

Sir,

Through the politeness of Mr. Dayton and at your instance, I was *confidentially* informed, on Saturday morning last that there was a project on foot in the Mexican Congress (which, it was expected, would certainly meet with the concurrence of the Chambers) to " dispose of Texas, and as far South as necessary, to the British Government, at the rate of twenty five cents per acre, in order to pay off the British debt, which is about Sixty eight millions dollars."

I would beg leave to acknowledge a proper sense of your kindness in so promptly communicating that important intelligence, which was immediately transmitted to my Government, and, from the regard thus evinced for its welfare, will doubtless strengthen the filial feeling which it has always cherished for its parent commonwealth.

I am induced to trouble you with this letter by the anxiety I feel to apprise my Government of the views of the Government of the United States in relation to the probability of such an offer being accepted by Great Brittain, and also, if any preventive steps will be

taken by this Government to preclude all danger of an event, certainly as much to be deprecated by the United States as by Texas.

There is some room for serious apprehension that the British may be tempted to embrace so inviting an offer, if not indeed for a suspicion, that secret overtures have already been made to Mexico, as one would suppose that the Characteristic pride of the latter would hardly permit her to stoop so low as to tender a fragment of her empire to a foreign power without having previously received some intimation that such a tender would be kindly entertained if not promptly acceded to.

Be this as it may, there are many powerful reasons, however counterbalanced by opposing considerations, which render it, to say the least, a question of some doubt, whether Great Britain would not gladly seize a good occasion to possess herself of the fertile domain of Texas;—the sacred rights of an infant Republic; the compromitted dignity of the United States, and the law of nations to the contrary notwithstanding. Admitting that there is the least probability of such a compact being entered into, permit me to ask if it would not point to the expediency of an immediate resort to such preventive measures as will be calculated to remove a danger, which trivial as it may now appear, may yet grow in intensity until not only the liberties of Texas but the interests of the United States and the peace and harmony of all North America are jeopardised.

The deep solicitude, which the Government of Texas will feel upon this subject, the difficulty of obtaining such information as would enable it to come to accurate conclusions, the community of interest and feeling and the importance of a full understanding between the two Governments will sufficiently excuse me, I trust, for soliciting your views upon this important subject, and requesting that you will oblige me with any information, which you may have received, calculated to show the probability or improbability of the British Government acceeding to the project proposed in the Congress of Mexico.

I have the honor to remain with sentiments of distinguished consideration

Your obedient Servant.

FAIRFAX CATLETT.

Hon'ble
JOHN FORSYTH
Secretary of State
of the United States.

My principal objects in addressing the above letter to the Secretary of State were first, to draw his attention to the subject in a particular

manner, being well persuaded that it was a subject of just as much importance to the United States as to Texas, and that however unwilling this Government might be to commit itself by any expression of opinion or avowal of intention that the identity of interest was too real and apparent to leave any doubt as to the course of policy it would be compelled to pursue in case of any serious negotiations being opened between Great Britain and Mexico for the purchase of Texas, and that therefore it was only necessary to draw the attention of this Govt. particularly to the matter to ensure its keeping a watchful eye upon the movements of those two powers, and secondly, I was anxious to obtain such information as would enable me to enlighten the Govt. of Texas respecting the probability of a sale of Texas to great Britain and relieve you from any solicitude or suspense which may have arisen upon this subject.

The next day, I received a note from the Chief Clerk of the Department of State expressing a wish to see me at the Department whenever it might suit my convenience to call, and I accordingly made him a visit in the course of the same morning. On entering the room, I observed Mr. Forsyth in the act of retiring. He saw me and, after the usual exchange of salutations, invited me into his own room, saying that he wished to have a word with me. I am thus minute in detailing these trivial incidents, because it may be as well for you to know that it was not his intention to give me an opportunity of seeing him that morning and my falling in with him was entirely fortuitous.

He said, that he thought I had better take back my letter; that there were some expressions in it, which, although I was justified in using them, might be a source of future misunderstanding. "Parent Commonwealth" for one. I replied that that expression was not intended to convey the idea that the Republic of Texas owed its origin to the Government of the United States, but that it was simply meant in compliment to this Republic, the inhabitants of Texas being nearly all natives of the United States and having adopted the same form of Government and the same institutions which belonged to their parent country. He said that it was an expression which would still be made use of by the enemies of the administration and by all such as were inimical to the United States and to Texas;—that all correspondence in relation to Texas would probably be called for, next winter by Congress, and that, while the best feelings and wishes for the prosperity of Texas were cherished, it behoved him to be careful to make no admissions, which might be interpreted as showing an undue interest in the success of our revolutionary struggle. I replied that I was well aware that the situation of the United States was a delicate and embarrassing one, and that it was by no means my desire to render it more so, but that the identity of

interest between the two countries was so striking and apparent, and pointed so clearly to the expediency of the United States preventing Great Britain from negotiating for the purchase of Texas that I could not but encourage the hope, that some assurance would be given to my Government that if any negotiations were opened between Great Britain and Mexico, that the United States would immediately interfere. "In what way could we interfere?" "By distinctly intimating to the British Govt. that the United States could never consent to Great Britain's obtaining possession of Texas." "Great Britain in return might say the same to us." "If she did, it would be easy to reply that the United States would make no such attempt, that she had already acknowledged the separate existence of Texas as an Independent Republic, but that if it were the unequivocal desire of the people of Texas to be admitted into this Union, that their wishes would be properly respected and listened to." He said that the subject was certainly one of common interest, but that, for himself, he had not the least idea that Great Britain, would accede to the offer, though he doubted not that such an offer had been made:—that the Mexican debt was due not to the British Government, but to the British subjects:—that he had received no information on the subject in addition to what he had already communicated, nor did he believe that any overtures had been made to Mexico by Great Britain for the purchase of Texas. That as far as facts were concerned, he would cheerfully communicate any information in his power that would be interesting to Texas, but that it was impossible for him to express any opinion in relation to the course of policy that the Government of the United States would pursue;—it would be time enough to think of that, when it was beyond a doubt that negotiations had actually been opened between Great Britain and Mexico;—that notwithstanding the numerous ties by which the people of the two countries were virtually bound together, it was necessary that the intercourse between their Governments should be carried on as if there was no peculiar relationship between them;—that some of the expressions in my letter might be referred to on some future occasion as showing that an undue interest had been taken by the Government of the United States in the affairs of Texas and that he would prefer returning it to me:—at the same time offering the letter, which I no longer hesitated to receive, not only because I was disposed to admit the force of his objections, but because the letter had answered its purpose and I did not regard it as of material consequence that it should be retained, and more particularly, because I was apprehensive that if I evinced any backwardness in complying with his request, that he might be disposed to withhold from me any further information on the subject. I assured him that the expressions, excepted to, were attribu-

table to my inexperience alone, and not to any desire or intention to embarrass the Government of the United States.

It is proper for me to mention that in this sketch of my conversation with Mr. Forsyth, I have adhered rather to the substance of his remarks than to his literal expressions. He was very guarded in his expressions, but his meaning and tone of feeling as distinctly implied, I have endeavoured to give you with as much brevity and exactness as possible.

I was informed by Mr. Crallé, the Editor of the Reformer, a paper published in this City, that Great Britain was applied to some time since by Mexico for the purpose of ascertaining whether she had any desire to obtain possession of Texas and that she gave a decisive reply in the negative. This information I of course obtained without reference to any thing I had learned from the Department of State, and I think it may be relied upon as correct.

I received intelligence this morning from New Orleans that seven or eight brigades of Mexicans were in full march to Texas under Bravo. Should this intelligence be confirmed, I shall be anxious to return to Texas to take part in the ensuing campaign, as I was debarred an opportunity of proving my patriotism in the last, and permit me to hope that some part will be reserved for me which will enable me to show how sincere and disinterested my zeal for the cause of liberty and Texas.

Ross, the Cherokee Chief, was here a few days since. I regretted that I was not aware of it until it was too late to see him. He has great control over his tribe and they talk of moving westward shortly. They number about 5000 warriors and would be a useful ally, should we be so hard pushed as to need foreign assistance, or in event of an offensive course being determined on, or should the Government hereafter feel an appetite for the Californias.

Mexico had half a mind to declare war against the United States, when she heard of the recognition of our independence, but the prevailing opinion here is that she will remain contented with the protest she has already uttered by the mouth of her Secretary at War against the duplicity, injustice and false dealing of this Government towards her.

I have the honor to inform you that an Exequatur has been issued to Nathaniel Townsend as Consul of the Republic of Texas for the Port of New Orleans and made public in the usual manner.

With great consideration,
I am Your Obedient Servant

Fairfax Catlett
Secy Texian Legation

Honorable J. Pinckney Henderson
Secretary of State.

CATLETT TO HENDERSON.[a]

Despatch No. 17.

TEXIAN LEGATION,
WASHINGTON CITY,
May 25th. 1837.

SIR,

I had the honor to address you last on the 7th. instant. The latest dates, received under your hand, are the 14th. March and the 2nd. and 7th. of April;[b]—the second enclosing Mr. Townsend's commission, the last Genl. Hunt's letter of credence. As more than six weeks have elapsed since the date of your last communication, I fear that some of your despatches have fallen into the hands of the enemy. I have been looking with great anxiety for information from Texas. Not even a paper has arrived for the last three weeks. Permit me to allude to the expediency of your keeping us regularly informed of the progress of events in Texas, and indeed you will easily appreciate the necessity of our having the earliest information of all important measures, when you reflect that daily inquiries are made by persons interested in our concerns, and almost every mail brings letters to this Legation from individuals wishing to know something or other connected with the affairs of the Republic. It is also of great importance that we should have the names of all accredited agents, who may be sent to this country.

President Van Buren has called an early session of Congress, which will meet on the first Monday in September next. As well as I can learn, his primary motive for convening that body at so early a period was to provide a remedy for the present unexampled derangement of trade and truly most lamentable condition of things in the United States. At the same time, however, the late events on the coast of Mexico and the numerous forbodings, contained in the papers, of a rupture with that power, the peculiar relations of the United States to Texas, and the complicated tissue of impending probabilities growing out of those relations and involving the interests of European powers, the circumstance of the Mexican Government having probably made overtures to Great Britain for the sale of Texas, in a word, the threatening aspect of the times, arising in so great a degree out of our revolutionary struggles, suffer no doubt to exist that he was partly impelled to the measure by considerations, closely connected with the affairs of Texas.

May 27th. The melancholy news of the capture of the Independence with Col. Wharton on board reached here last night and produced a general feeling of unaffected concern. Most deeply do I regret the untoward event, not only from common feelings of sym-

[a] A. L. S., endorsed "Recd. June 26th, 1837.
[b] This letter has not been found.

pathy, but because Col. Wharton had so well informed himself upon the views, embarrassments, and probable policy of the present administration with respect to Texas, the state of parties, the relative positions of the United States, England and France, the names of our real friends and secret enemies in Congress, the division of the States on the question of annexation, and every subject of peculiar moment to our interests, that his capture at such a time is most truly to be deplored by all such as are willing to sacrifice personal feeling at the shrine of their country's prosperity. Indeed, I have not thought it worth while to trouble you with any communications of my own upon these or similar subjects, because I expected that he would be with you, and I knew he had the ability to supply you with the requisite information. When Genl. Hunt returns, and I am daily expecting him, he will doubtless communicate his views to you in full. Although I am persuaded that the present administration will use every exertion to keep down the question of annexation, still as a violent effort will be made on the part of the South to have it decided by the ensuing Congress, and it is important that your Minister should distinctly understand the present as well as former views of the Government of Texas in relation to that subject, I would take the liberty of suggesting in Genl. Hunt's name (for I am sure he would sanction the suggestion were he here) that the instructions prepared by Genl. Austin be carefully examined, and if any modification should be deemed advisable that they be communicated to him at your earliest convenience. At the same time, I would beg leave to remind you that those instructions were submitted to the Secretary of State some time last December agreeably to Genl. Austin's express directions, but whether a copy was taken is more than I am able to inform you.

May 29th. In a conversation which I had with Mr. Forsyth yesterday, he informed me that the Postmaster General had extended the post routes of the United States to Gaines and Ballou's ferries agreeably to the wishes of the Texian Government, but that he had not as yet succeeded in finding mail-contractors;—that so soon as contractors could be obtained, he would notify me of it, and an intercourse with Texas by land would be established without unnecessary delay. He promised to let me hear from him on the subject in a few days, by which time he thought a definitive arrangement might be made for a regular conveyance of the mail to the points of meeting on the Sabine.

Speaking of the capture of the Genl. Urrea by the Natchez, and the illegal seizure by the Mexicans of several American vessels, he remarked that if Congress had not tied up the hands of the Executive, a lesson would have been given them before this, which would have

taught them that the rights of American commerce must be better respected in future. I draw two conclusions from this remark, not only from its literal meaning, but from the manner and tone of voice in which it was made;—1st. that the President is *disposed* to pursue a peremptory course with Mexico. 2nd. that he will draw the attention of Congress to the subject at an early period and suggest the expediency of their authorising reprisals—at any rate allowing more discretionary power to the Executive to enable him to act with the requisite decision and energy in case of any further mal-conduct on the part of Mexico. One thing is certain, that matters have come to such a pass between the United States and Mexico that the former can no longer submit with honour. The United States must demand redress for the injuries already inflicted. Her flag has been insulted, her citizens robbed, imprisoned and otherwise maltreated, her vessels seized, condemned sold, and in some instances without a shadow of law or reason to palliate such enormous conduct. I can hardly suppose that this Government will be so deficient in ordinary self respect and so regardless of its own true interest and the rights of its citizens as to suffer these atrocities to be perpetrated under its very eye and make no attempt to punish them. Through the prudence of Bustamente a war may be and, I think, will be avoided, but the United States will continue henceforth to stand in terrorem over the prostrate energies of unhappy Mexico, while Texas moves surely on in the even tenor of her way, collecting her strength, developing her resources, maturing her youthful prowess, and rapidly unfolding to the gaze of many an astounded civilian the anomalous spectacle of a wilderness converted as by the stroke of some magic wand into a glorious little Republic, already renowned for her heroism and magnanimity, whose heroes have already been enrolled upon the lists of chivalry, and whose statesmen are gaining an enviable reputation for moderation and wisdom, for sagacity, patriotism and liberal and enlightened views of the true objects of government. God grant that it may be all deserved.

Yet there are many persons in the United States who still regard the issue as one enshrouded in doubt and mystery. Such, however, I am persuaded is not the opinion of this Government. To the sagacious and intelligent it is clear that the United States has so far compromitted herself by the act of recognition, that it is now common cause with Texas, and they must stand or fall together. All considerations of interest and policy aside, the ties between them are of such a nature, that nothing but the imprudence of Texas herself can prevent the bond of amity from increasing in strength and holiness, and therefore permit me to say that it is impossible that her deportment should be regulated by too scrupulous an adherence to the established principles of international law.

The President's message has already been published in several papers and appears to have met with the unqualified approbation of all but such as are blindly inimical to our cause.

May 30th. I have the honor to acknowledge the receipt of Mr. Grayson's letter of the 4th. instant enclosing a new letter of credence for Genl. Hunt.

Great interest continues to be manifested here in our affairs. Occasional altercations between the Globe and the Intelligencer bearing upon the relative positions of Texas, Mexico and the United States, tend to keep alive the solicitude of the people to know every thing connected with the question of Texian Independence. Opinions are gradually settling down in a well assured belief, that it no longer admits of a question whether Texas will be bond or free. This growing confidence in the successful issue of our struggle will greatly facilitate the efforts of the Government in relieving the financial distresses of the Republic.

I have the honor to remain
Your obedient Servant—

FAIRFAX CATLETT
Sec'y Texian Legation.

Hon'ble J. PINCKNEY HENDERSON
Secretary of State

HUNT TO PRESIDENT AND DIRECTORS OF THE MISSISSIPPI AND ALABAMA RAILROAD BANKING COMPANY.[a]

SHELTON TO HUNT.[a]

HUNT TO HENDERSON.[b]

No. 2.[c]

U. S.

Vicksburg, Mi, May 30th 1837

DEAR SIR,

I wrote to you on the 15th ult. from this place, but failed to forward the communication at the moment for want of a conveyance; and subsequently thinking that my stay would be but short at the Seat of Government of this State, and that I should be enabled to add something, have deferred it even up to this time. My stay, however, has been a protracted one, and much more interesting from the identity of the interests of my country in connexion with it, than I had anticipated.

[a] May 25, 1837. See Hunt to Henderson, May 30, 1837.

[b] L. S.

[c] No. 21 in the books of the legation at Washington. On the back in the customary place is written the name of the bearer, Mr. S. B. W. Rudder. See Hunt to Secretary of State of the Republic of Texas, July 11, 1837.

I herewith forward the report and resolutions of the committee appointed to consider the subject of speedily annexing Texas to the United States, both of which were unanimously adopted by the House of Representatives but for want of time was not taken up in the Senate.

I herewith send you a copy of my correspondence with the President and Directors of the Mississippi and Alabama Rail Road Banking Company, upon the subject of a loan to the government of Texas, which please hand to the Hon. Secretary of the Treasury.

It is with feelings of the deepest regret, Sir, that I learn of the capture of my colleague, Col. Wharton, by the Mexicans. In the loss of his services at this particular juncture of our affairs, we lose an able and zealous advocate of our rights, and whilst I regret most deeply the loss of the Schr Independence, it is mitigated to some extent, by the belief, and almost certain confidence, I have, that Col. W. the officers and crew will be properly treated. *Had* Col. Wharton have procured the necessary passports from this Government upon his leaving Washington, there is no doubt but that the United States could and would have demanded his release; and I shall not be satisfied until I have examined the laws of nations upon this subject, but that our Government has the right to insist upon the interference of the U. States in procuring his liberation. If there is any hope of such a result, I shall insist with untiring zeal for its accomplishment.

The Mexican Ministers, in protesting against the recognition of the Independence of Texas by the United States, evince a determination on the part of that government to persist in attempting the subjugation of Texas, which I fear will prevent any action by this government upon the subject of annexation unless England or France should recognize our independence, the Secretary of State of the United States having distinctly declared, that unless Mexico recognizes our independence or ceased all hostile movements against us, he would not listen to any propositions upon the subject. Our position is consequently this: We must either whip Mexico into an acknowledgment of our independence, or procure its recognition by one of the powers to which I have alluded, before we can hope for any definite action upon the subject by the United States. The former I conceive to be the true policy of Texas, and if it is so concluded by the Executive, I should prefer to mingle with my fellow citizens in the camp than to hold the very honorable and distinguished place which his Excellency, the President, has been pleased to confer upon me; and should the loan be effected upon the subject of which I forward through you to the Secretary of Treasury a correspondence, I could with the use of it raise a force of several thousand men, which added to the present army, would enable us to maintain a position on the Rio Grande, until an ample force could be procured to march against

and take the City of Mexico itself. The deranged state of the finances in this country at this particular time would have the effect of producing the most flattering results in an effort for an expedition, provided the expences of those disposed to join the army were defrayed. I do believe if we had Matamoras, and a free communication by sea, than[a] an army of twenty five thousand choice troops could be procured within six months thereafter, provided it was understood that a march for the City of Mexico would be undertaken; and I should not be surprized if the number were double. Every voice is now sounding for an attack on Mexico herself and numbers of gentlemen of the highest respectability, with every possible social and domestic tie, to their homes, have said to me that they would join the Texian cause provided the war was made an offensive one. This step would be extremely popular in the United States, and a judicious negotiation could procure a loan of two hundred and fifty thousand dollars certain, and very probable[b] half a million, and the terms will be as good or better than we could procure any where else. Eight per cent interest and a guarantee to the Bank that it shall be received for public dues, as long as the loan continues, is what the Bank will require, and I believe it to be the interest of our government to accept it. The length of the loan could be made for as long a time as the Bank Charter exists, or for as short a time over two years as the government desire; moreover it will be an immense benefit in furnishing a circulating medium for the Republic until our banks can get into operation—and indeed, it would give a basis satisfactory in payment for their stocks. Again, it would have the effect of giving us credit abroad. The commissioners now employed by the government would be enabled to quote this loan as one accomplished on as good terms as the U. States itself could have procured at a time when the derangement of the finances in this country were so lamentable.

The Missi. and Ala. R Road Bank, like all others in this State, and I might almost add, United States, has stopped specie payment; but to my knowledge, it is in a better condition than any Bank in the State, and I believe in the Southern country. It has recently gone into operation, and the failure of the Josephs at New York, caused some of its notes payable at that place, which they were to take up, to be protested, which caused a check to her issues, and has proven beneficial, as at this moment the Bank has fewer suspended debts for its capital, and a larger amount of specie in proportion to the paper of itself and branches in circulation than any bank in the state, and Col. Wilkins, President of the Planters Bank has been heard to say publickly, "that the Missi. and Ala R Road Bank at Brandon was in a better condition than any other bank in the State." In consequence

[a] That.

[b] Probably.

of the change in our affairs, I shall not visit Col. Benton at St. Louis as I anticipated, but proceed to Washington with as little delay as practicable, to attend to the subject of Col. Wharton's detention, and any other duties which may have accumulated in my absence.

Gen. Richd G Dunlap will bear you this or a duplicate of it, who has stated to me that he will cheerfully join our service, and there is no gentleman in these States who I would sooner see in the service of the Government of Texas, and none with whom I should be more delighted to be associated. Gen Dunlap, in joining our cause, will give up as flattering political prospects as any gentleman, not in office, who has left this Republic; but comments in relation to him are unnecessary; as his Excellency, the President, and yourself are acquainted with his character and know him personally.

I have the honor, to be,
with the highest consideration
your obedient servant

MEMUCAN HUNT

To
Honbl. J. P. HENDERSON
Secretary of the State of the Republic of Texas

Copy.

U. STATES BRANDON, MI,
May 25th 1837

To
THE PRESIDENT AND DIRECTORS OF THE
MISSISSIPPI AND ALABAMA RAIL ROAD
BANKING COMPANY AT BRANDON:

GENTLEMEN:—

It having been suggested to me that you would probably be induced to make a loan of several Hundred Thousand Dollars to the government of Texas, if it be desired, and the Notes of the Institution over which you preside should be received by the officers of that Government for public dues, I take the liberty, as a citizen of Texas, of suggesting to your honorable body, that such a proposition, even if it is not acceded to, would be a most welcom[e] evidence of the kind disposition and confidence you repose in the stability of the Government, and will doubtless have, as it should, the effect of producing a preference there for the circulation of your issues over those of similar standing and situation in this republic. I therefore recommend most respectfully, as an individual, your deliberation and action upon this subject, as one from which my government and your institution may derive reciprocal advantages.

I have the honor to be etc. etc

(Signed) MEMUCAN HUNT

Copy.

BANK MISSISSIPPI AND ALA R ROAD COMPANY

Brandon May 25/37

Hon. MEMUCAN HUNT

DR SIR,

Your highly esteemed favor of this date to the President and Directors of this Company advising us that you had heard suggestions that this company would probably be willing to loan a portion of her issues to the Republic of Texas, has been received and I have lost no time in submitting your communication to the Board of Directors, who have had the same under consideration, and have instructed me to reply, that we have watched with great anxiety the heroic struggle of Texas for liberty and independence, and that we rejoice in believing that she has attained that great object: and that her independence, as well as her future prosperity and happiness, which must inevitably follow is now placed on permanent and invulnerable grounds—and that nothing would afford us more pleasure than to have it in our power to comply with your suggestion in relation to the loan; or to do any thing which might tend to the advancement of so heroic a people. But, my dear Sir, you are aware of the unexampled pecuniary embarrassments which now hang over our country, and the great derangement every where felt in the fiscal concerns of the United States. This, in connexion with the infancy of our institution and the caution enforced upon us by the times, in the extension of our issues, alone prevents us at this time in entering upon the proposed negotiation.

Allow us to remark that we have the utmost confidence in the credit and ability of your Government; and that in case we should experience a favourable change, which we fondly anticipate at a day not far distant, in the fiscal affairs of our beloved State, and your Government should then wish to enter into an arrangement with this institution for a portion of our issues, and make the same current in Texas by receiving and paying it out for public dues, and will make to us a proposition predicated on a payment to us in specie funds; *or* upon some other basis, by which each party may be mutually benefited, we will take great pride in serving to the extent of our ability so patriotic, meritorious and chivalrous a people—believing that in so doing we are sustaining the cause of liberty and independence; and the interest of this institution.

Allow me, Sir, to add the assurance of our best wishes for your own health and prosperity.

Very Respectfully
Yr Ob Servt

Signed S W SHELTON *Prest.*

HUNT TO HENDERSON.[a]

No. 3.[b]

U. S.
Vicksburg Mi June 1st 1837

DEAR SIR,

I am indebted to my friend, Mr W F Ritchie for the perusal of the message of his Excellency the President. The subject of the removal of the Caddo Indians upon our Territory to which he alludes; and the failure on the part of this government to allot and enforce a specific settlement within its jurisdiction. after procuring their removal from where they are, will receive my immediate attention after reaching Washington.

Our demands upon the subject of the station of an adequate force upon the frontier to keep in check these Indians has been complied with by the U. States.

The temporary treaty proposed to be adopted by the U. States I hope most sincerely has been agreed to. as should we not be annexed it would be best to be untrammeled in our connexions with this nation and the relations which are proposed to be entered into by this Government can be maintained until the question of annexation is settled with advantage to our government.

I have the honor to remain
with the most distinguished
consideration and esteem
Your obedient sv't

MEMUCAN HUNT

To
Honbl. J. P. HENDERSON
Secretary of State of
the Republic of Texas

CATLETT TO HENDERSON.[c]

Despatch No. 18.

TEXIAN LEGATION
WASHINGTON CITY
June 10th, 1837

SIR,

Having nothing better to communicate at present, it has occurred to me that some account of this Legation would not be unacceptable

[a] L. S.

[b] No. 22 on the books of the legation at Washington. On the back is written the name of the bearer, Mr. S. B. W. Rudder. See Hunt to Secretary of State of the Republic of Texas, July 11, 1837.

[c] A. L. S., endorsed "Reed. Aug. 8th, 1837."

to you. Indeed, I have thought it would be proper to make a brief report of the contingent expenses of the legation, in order that you may be apprised of the amount already incurred, and at the same time have some data to go upon in forming an estimate of what would be a proper annual allowance for such expenses. I have moreover deemed it advisable to render you some account of myself not from any selfish considerations, but as the best mode of making you acquainted with the nature of our footing at this Court, and that you may likewise form an opinion as to how far the interests of Texas have been promoted or injured by my deportment, since the departure of Messrs Wharton and Hunt.

Although I was anxious to return to Texas immediately after the recognition of our independence, yet, as our Ministers were not formally received as such, and they could not continue here waiting upon the pleasure of this Government, without injury to Texas and some sacrifice of dignity on their own part, but as letters were daily arriving and it was indispensable that some one should remain to attend to the business of the Legation and keep the door open between the two Governments, I therefore consented to continue here in my humble capacity, unrecognized as it was, and patiently await Genl. Hunt's return and the arrival of the new credentials.

Having no power to open negotiations with any of the foreign Ministers, I have carefully avoided creating any prejudice against such as might hereafter be started; and not being formally recognised as Secretary of Legation or Chargé, personal pride has prevented me from seeking an intercourse with them, or intruding myself upon them as a member of the Diplomatic Corps. While therefore I have not enjoyed the honor of an intercourse with them, I flatter myself that I have done nothing to militate in any manner against the good feeling which should be encouraged between this and other Legations near the Government of the United States.

As the feeling on the part of the people of this country in behalf of Texas was confessedly very strong, and the Government had already compromitted itself by the act of recognition, sound policy, I thought dictated a perfectly modest and unobtrusive line of deportment, not only as the best way of preserving that good feeling unimpaired, but also of securing the rights of this Legation, when the proper time should arrive for asserting them. It was a delicate and unpleasant situation to be placed in. I was not willing to compromit any of the rights of the office, which I had the honor of holding, and yet it was necessary to act in such manner, as to afford no room for impertinence or ground of offence by appearing too sensitive about them. I thought it best, therefore, as no good could be done

by pushing myself forward among the Magnates of Washington, but much injury might result in case of impertinence on their part, (and nothing invites impertinence sooner than unacknowledged pretensions) to seclude myself from general society as far as possible. Whenever I have had business with the Secretary of State, I have transacted it with a proper regard to what was due to him as an honorable functionary of the United States, and to my humble self as your virtual representative here. I have given no dinners, not only because I had not the means, but because I conceive it to be good policy, for the time being, to avoid every thing like diplomatic parade. I have been an observer of the measures of this administration and a looker on upon the struggles of contending parties, frequently a listener to the political opinions of American Statesmen, but have always declined interfering in their political discussions, or expressing my own convictions except on topics connected with Texian interests.

You will perceive then that if I have not materially aided the good disposition of this Government towards us, although unpleasantly situated, I have done nothing either to lessen that good disposition, or to derogate from the proper standing of this Legation, and if you agree with me in thinking that, by pursuing a negative and retiring course of conduct, I have better subserved the true interests of Texas, than I could possibly have done by blazoning myself abroad as the Texian Secretary of Legation, I shall not regret any little vexation of spirit I may have endured at the thought of having been only tolerated here in an honorable but still an unacknowledged capacity. At the same time to prevent misapprehension, perhaps it would be well for me to mention that I have had no cause for complaint on the score of coolness or inattention.

I have been induced to give you this brief account of myself by a belief that it was proper that I should do so, and that the President would like to be informed as to the present relative standing of this Legation.

Copies have been kept of all despatches transmitted to you and of all correspondence with this Government as well as with the Texian Consuls and Agents and other individuals, where it was of any importance that copies should be preserved.

[a] * * * * * * *

I have the honor to subjoin for your information a copy of the contingent expenses of this Legation up to the 8th. June. A similar copy up to the 13th. March, was made out and transmitted to Col.

[a] The matter omitted here relates to Catlett's salary and allowances.

Wharton at New Orleans, which he received but in consequence of his capture I presume has never reached you.

a * * * * * * * *

I have the honor to be,
with great consideration,
Your Obedient Servant,

FAIRFAX CATLETT
Secretary of Legation.

Honorable J. PINCKNEY HENDERSON
Secretary of State.

FORSYTH TO CATLETT.[b]

CATLETT TO HENDERSON.[c]

Despatch No. 19.

TEXIAN LEGATION,
WASHINGTON CITY—
June 17th. 1837.

SIR,

I have the honor to transmit to you the following copy of a communication from the Department of State of the United States, complaining of the Republic of Texas on the ground of its having established a Land Office within the limits of the State of Arkansas.

With great consideration, I remain
Your Obedient Servant,

FAIRFAX CATLETT

Hon'ble J. PINCKNEY HENDERSON,
Secretary of State.

a Here follows a rather lengthy account of the contingent expenses of the legation, the notes to which contain one or two items of considerable interest. Concerning a portrait of G. W. Custis by King which was painted for the legation, Catlett says, "This portrait was ordered (as I was told by Col Wharton) by himself, Genl. Austin and Dr. Archer. It is now suspended in the office of the Legation, and will be forwarded to Texas by the first safe opportunity." In another note he adds, "At the joint solicitation of Col. Wharton and Genl. Hunt, Senators Preston and Walker consented to have their busts taken by Mr. Powers. They will be executed in marble, Col. Wharton paying for Mr. Preston's and Genl. Hunt for Mr. Walker's." It seems reasonably certain that the picture was never sent, nor is it possible here to say what has become of it. As to the busts, the uncertainty extends even to their execution; but there is now in possession of Mr. Hunt's widow a bust of himself made by Powers at about the same time.

b June 17, 1837. See Catlett to Henderson, June 17, 1837.

cA. L. S.

DEPARTMENT OF STATE,
Washington [City,] 17th. June 1837.

TO FAIRFAX CATLETT, *Esquire*,
etc. etc. etc.

SIR,

I have the honor to inform you that a letter was received at this Department a few days since from the Executive of Arkansas, stating that the Republic of Texas had, by an Act of its Legislature, proceded to lay off a series of land districts within its own limits, and had further provided for the establishment of a district embracing one entire county and a greater part of another belonging to Arkansas, which Act it was said was to be executed at once and a land office under the control of the Texian Republic to be forthwith established in the County of Miller in the State of Arkansas. This information has been received with great surprise, the more especially as provision was made by Congress at its last session for running the boundary line between the two countries. During the unsettled state of this line, the Government of the United States has carefully refrained from extending the limits of its occupation in that quarter, and I have now the honor to request that you will forthwith apprise the Government of Texas that while the question is pending, no encroachment can be permitted upon the territory occupied by the United States.

I have the honor to be,
Sir,
Your obedient servant,

(Signed) JOHN FORSYTH

P. S. It appears from the above letter 1st. That a considerable portion of the first land district is already actually occupied by the United States. 2nd. That until the boundary line is settled, the United States are determined to hold on to all the land at present in its occupancy. The sooner therefore the question is settled the better it will be for Texas. And would it not be as easy a way as any other in answering that letter to appoint a Commissioner to meet one on the part of the United States to run the disputed line forthwith?

IRION TO MASON.

DEPARTMENT OF STATE,
City of Houston, June 22nd 1837.

SIR,

I am instructed by the President to address you this communication on the subject of the annexation of this Republic to that of the U. States

Your long acquaintance in the U. States with prominent and influential politicians of that country, and the interest you must feel for the success and prosperity of both, has induced the belief that your services, at Washington City, during the discussions that will shortly take place there on the subject of annexation, will be beneficial to this country. You are therefore requested, and hereby authorized and empowered to act, privately, in conjunction with our resident Minister there (Gen. Hunt) and consult him on all matters touching our relations with that Government; and especially to urge, and for that purpose employ every means in your power, to effect a speedy annexation.

I feel assured that you will perform this service with fidelity and zeal when you reflect on the importance of the measure and the immense benefits that will flow from its consummation.

This is, perhaps, the only time when so desirable an end can be accomplished, for the question will necessarily become more and more embarrassed as our engagements with that, and other powers multiply; which may in a short time increase to such an extent as to render it entirely impracticable. In order to prevent any misunderstanding, in the next despatch to Washington our Minister will be notified that you are thus empowered to consult and act with him.

I have the honor to be
Your Obt. Servant

R. A. Irion
Sec'y of State

Gen. John T. Mason

Irion to Hunt.

Department of State,
City of Houston, June 26th, 1837.

Sir,

Gen. John T. Mason is authorised by this Government to act in conjunction with you, privately, and consult you on all subjects touching our diplomatic relations with the U. S. Government. From his experience and long personal acquaintance with many of the politicians of the U. States it is believed that he will be enabled to render important aid in effecting the great and paramount object—Annexation.

You will confer freely with him on all such matters.

Respectfully
Your Obt. Servant

R. A. Irion
Sec'y. of State

Hon. M. Hunt
Washington City

IRION TO HUNT.

DEPARTMENT OF STATE,
City of Houston, June 26th, 1837.

To the Hon.
MEMUCAN HUNT,
Sir,

I am instructed by the President to call yr. attention to the various subjects embraced in his communication.

At the late session of Congress a resolution was passed authorising the President to appoint a Commissioner to act with a corresponding one on the part of the U. States to define and mark the boundary line between the two Governments. It is desired that you will bring this subject before the authorities at Washington, and urge the appointment of a commissioner for this purpose; and fix the time for their meeting on the Sabine.

In negotiating on this subject you will be governed by the stipulations of the Treaty of limits entered into by Spain and the U. States of North America in the year 1819; and the subsequent ones between the latter Power and Mexico, ratifying the same. This treaty enjoins that the line shall commence at the mouth of the Sabine, run up that stream to the 32nd. degree of North Latitude; thence due north to Red River, according to *Malisha's*[a] *Map*, on which conditions you will insist.

It is not, at the present time, intended to run this line farther than Red River. Owing to the provision that the General Land Office shall open on the 1st. of October next, agreeably to existing laws, it becomes very important that this line should be defined previously to that time if practicable, for it should be the base of the surveys in that quarter. In a very short time after notification this Government can have a commissioner on the spot.

Another subject connected with this, is Coffee's Trading House on Red River. He is, doubtless, within the limits of this Republic, being West of the 100th. degreee of W. Longitude from London. This trade tends to keep up and encourage the depredations of the hostile Indians on our North Western Border, by affording them, relatively, a good market for horses and other property forced from the frontier inhabitants; thus presenting to the cupidity of those wily savages, at all times, strong temptations to murder, robbery and theft; which they are now perpetrating to an extent that renders it necessary to send an expensive expedition against them. You will remonstrate with that Government and endeavor to effect his removal by the authorities thereof.

[a] Melish's.

The Cadoes, a dareing and enterprising North American Tribe, who have obtruded themselves into our Territory in flagrant violation of treaty stipulations between Mexico and the U. States, seem to be the leaders of those hostile Bands. You will again earnestly solicit the early attention of that Government to this subject; and offer as a theatre for Military operations, should they attempt their removal from Texas, a free passage for troops as far as the Trinity; and the privilege of establishing depots, Garrisons etc. any where east of that River; in which event provisions may be transported in keel, or small Steam Boats up the Naches and Trinity for their supply.

Another subject and by far the most important of all on which I have been instructed to communicate is that of *Annexation.* You will renew the application for this purpose, and urge as speedy action thereon as possible.

On the success of this measure our permanent prosperity, and, perhaps, existence as an organised Government, mainly depends.

The longer it is delayed the more we will be trammelled by foreign obligations and treaties, which will obviously tend to increase the difficulties to be encountered in the consummation of that desirable end; and finally place us beyond the reach of that remedy (which we hope is now in our power) which will heal our numerous political afflictions, create stability, confidence and harmony among the people, thereby leading directly to the most happy results. It is useless for us to deceive ourselves on this subject, and it becomes my duty to inform you that the situation of the country is deplorable. We are without credit abroad and our resources are exhausted at home; and things generally are vering towards anarchy, violence and insubordination. Annexation is the remedy, and it is expected that you will exert yourself to effect it.

In discussing this subject you will refer, for information, to the instructions to the Hon. Wm. H. Wharton, by the late Secretary of State, S. F. Austin, bearing date 18th. Nov. 1836. It is ample in its details, presents a clear view of the situation of the Republic and the wishes of the people.

Your communication to the President, dated Vicksburg, June, 1st. inst. together with other letters therein named have been received, and referred to the proper Departments.

It is supposed that the Hon. William H. Wharton was the bearer of important Despatches to this Government—they may be lost. If so you will forward copies of the same as early as possible.

Rumor says a Charge d' Affaires and Commissioner to run the boundary line have been appointed of which we have had no official information. Is it true? Since writing the above Despatch No 17

from Mr. Catlett, Secretary of Legation, dated Washington City, May the 25th. 1837, was received, with regard to which I have to observe that the President left yesterday for Nacogdoches, on business connected with the indian expedition, and I do not feell competent to authorise the modification of the instructions alluded to: but I am confident, should there be any objection to our admission as a State that it will be satisfactory to go in as a Territory; and that this modification will be authorised when the President returns. I am clearly of opinion that the true interests of Texas would be promoted to a greater extent by being annexed to the U. States as a Territory than as a sovereign State. Independently of treaty stipulations the liberality, wisdom and justice of the Judiciary of that country will afford a strong guarantee for the protection of all rights acquired under laws existing anteriorly to such admission.

Under every aspect of the case it is necessary that a speedy decision of the U. S's Government on this subject should be known.

One of the most striking reasons, is, that our *condition* imperiously demands that we must be intimately associated with some strong power, to whom in forming an advantageous treaty, important concessions of privileges will have to be granted. Our Agent, Gen. Henderson has gone to Europe whose instructions will depend much upon the course adopted by the U. States. The solicitude thus expressed does not originate from any particular apprehension of the Enemy's efforts against us; but is owing to the difficulties consequent upon a small population scattered over an immense territory, sustaining a separate Government without means, credit, or even harmony among themselves.

Such candor and my duty, as the official organ of the Government, require me to inform you is our situation. Visionary schemes of a glorious Republic are less calculated to advance the true interests of our Country than the practical common sense proposition to become a part of a great nation firmly established: and participate in common with their security, prosperity and happiness.

I forward you herewith a copy of the instructions mentioned as having been misplaced at Washington.[a]

Respectfully Yr.
Obt. Servant.

R. A. Irion
Sec'y of State

Hon. M. Hunt
Minister Plenipotentiary of
R. Texas, Washington City D. C.

[a] This must refer to what was said in Catlett to Henderson, May 25, 1837, in that part of the letter under the date May 27.

HUNT TO FORSYTH.[a]

DAYTON TO HUNT.[b]

HUNT TO THE SECRETARY OF STATE OF THE REPUBLIC OF TEXAS [IRION].[c]

Despatch No. 23.[d]

TEXIAN LEGATION,
WASHINGTON CITY,
July 11th. 1837.

SIR,

I have the honor to inform you that I reached this city on the 26th. ultimo, after a fatiguing journey from Vicksburg. I found Mr. Secretary Catlett absent on a visit to his parents, but I have the pleasure of stating that he is now with me and in excellent health.

On the 1st. instant, I addressed a note to the Secretary of State, of which the following is a copy.

TEXIAN LEGATION,
WASHINGTON CITY,
July 1st. 1837.

SIR,

I have the honor to inform you that, in compliance with the desire of His Excellency the President of the United States communicated in your note of the 13th. of March, I made immediate application to my Government for letters credential in the proper form, the receipt of which I have the pleasure to communicate, and herewith transmit a copy of, and request that you will do me the honor to take the orders of his Excellency the President as to the delivery of the original and communicate the same as early as may be convenient.

I have the honor to renew the expressions of my most distinguished consideration and esteem.

MEMUCAN HUNT.

Honorable
JOHN FORSYTH
Secretary of State of the United States.

[a] July 1, 1837. See Hunt to Secretary of State, Republic of Texas, July 11, 1837.
[b] July 3, 1837. See Hunt to Secretary of State, Republic of Texas, July 11, 1837.
[c] L. S.
[d] Hunt's three despatches from Vicksburg were numbered at Washington, respectively, 21, 22, and 23.

Reply.

DEPARTMENT OF STATE
Washington [City,] 3d. July '37.

SIR,

I have the honor to acknowledge the receipt of your note of the 1st. instant, enclosing a copy of your letter of credence as Envoy Extraordinary and Minister Plenipotentiary of the Republic of Texas to the United States, and requesting the appointment of a time for the delivery of the original. In reply, I have the honor, by the President's direction to state, that he will be happy to receive you for that purpose at 12 o'clock on thursday next, the 6th. instant. If, therefore, you will call at this Department at a quarter before 12 on that day, I will do myself the honor to accompany you to the President's.

I have the honor to be
Sir,
Your obedient servant,

H. O. DAYTON,
Acting Sec. of State.

To His Excellency
General MEMUCAN HUNT.
etc etc etc.

At the appointed time, I was introduced as the accredited Minister of the Republic of Texas, and I will now proceed to lay before you a statement of what transpired between the President, the acting Secretary of State, and myself, during the interesting ceremony of my presentation.

Mr. Forsyth, the Secretary of State, being absent, the courtesies of the Department devolved upon his Chief Clerk, who, according to previous arrangements, accompanied me to the house of the President at twelve o clock on thursday the 6th. We found his Excellency alone, and I was immediately presented. He received me with the usual salutation of shaking hands, and after a momentary pause, I addressed him as follows.

["] Mr. President,

I have the honor to present to your Excellency a letter from the President of the Republic of Texas, appointing me Minister near this Government. I am particularly instructed by President Houston to express the high personal regard he entertains for you, and the deep solicitude, which he feels for your health and happiness, and to assure you of the warm and devoted attachment of the President and the people of Texas for the Government and citizens of the United States. Speaking, Sir, the same language, with the same peculiar domestic relations, being the same in blood, and indeed in

every thing calculated to unite two people—I am instructed to express an ardent hope, that nearer relations than those of harmonious diplomatic intercourse will ere long exist. I embrace this occasion to express to your Excellency my profound thanks for the kindness and consideration, with which you have been pleased to honor me, since my arrival here last winter."

The President replied to me with great dignity, and much at length, warmly reciprocating the feelings I had expressed, and concluded by inviting me to an interchange with the Secretary of State upon the business of my mission, assuring me, in the last few words, "that such negotiations as might be entered into by Texas and the United States, he had no doubt would be accompanied with the highest satisfaction to both countries, so long as one like myself represented the Government of Texas."

I was exceedingly gratified with the ceremony, and really more embarrassed by the plain republican simplicity of the President of the United States, than, I could possibly have been by all the pomp and pride of the oldest monarchy in the world. We enjoyed some moments of conversation as to the affairs of Texas; after which I arose and departed, feeling, I trust, justly proud of having been the humble instrument of this, the formal recognition of the sovereignty of my country.

I wrote you from Vicksburg three despatches, numbered 1. 2. 3., which, in the archives of this office, will be numbered 20, 21, 22.;—which I forwarded by Mr. Rudder. The zeal of that gentleman for whatever is of interest to Texas, added to his industry and energy, I have no doubt caused their delivery at as early a period as was practicable. Mr. Secretary Catlett, in the mean time, has communicated to you every thing of importance in relation to the transactions with this Government. In compliance with your instructions of the 12th of May, I will defer making any committal to this Government upon the subject of Treaty stipulations, until I shall receive farther instructions thereupon from you.

I found Genl. Arbuckle here on my arrival, and as he is commander of the forces of the United States, stationed on our North-Eastern frontier, I sought to converse with him upon the subject of the Indians and their depredations. He computes the whole number of warriors in the following tribes on the Red River at no more than five or six hundred—The Caddoes, Runaway, Cherokees, Kickapoos, Shawnees and Delawares. He assured me that the strictest watch should be kept over them and every thing within his power done to prevent their depredations. He says that the Caddoes do not count more than from 130 to 150 warriors. The Cherokee Chiefs of the main Tribe have very friendly feelings, but the Creeks, he thinks,

are disposed to be turbulent and to effect a settlement between the Brasos and Red River. He states that when the latter Tribe left the East side of the Mississippi, some of the Chiefs were heard to say, that they would go for the present to Arkansas, but that their arms should, at an early day, procure for them a home in Texas. Owing however to a want of concert among themselves and the strict watch, which is and will continue to be kept over them, General Arbuckle thinks, that no apprehensions of injury need be entertained by the people of Texas.

I now beg leave to call your attention to a somewhat extended view of the question of our annexation. The causes likely to operate both for and against us, I will endeavor to state frankly to you, and trust that the great importance of the matters in issue will be an ample excuse for any prolixity I may commit.

Although in my dispatch (No 1. Vicksburg, No 20. here) I urged a secret mission to Great Britain, I am now convinced that the appointment on our part of a minister to England is the most fortunate movement we could possibly have made: The mere announcement of the fact in the papers of this country has already produced a most favorable effect, especially in the Southern States, where the people are and ever have been unanimously in favour of a speedy annexation of Texas. In that section of the Union, indeed, so strong is the feeling in our favour, that I venture to predict an open rupture against the Government, if the Northern enemies of Texas should gain the ascendency in Congress. This appointment of a minister to England on our part is a plain intimation, that we do not look upon annexation as a matter of course, and the South, thus perceiving that there is some danger of our loss, will, I confidently believe, present an unbroken line of resistance against any administration which may be anti-Texian in its policy. From every thing I have seen and heard, I believe that were the alternatives presented of the dissolution of the Union or the loss of Texas, the people, south of the Potomac, would be nearly unanimous for the first. They are united to us by the strongest ties of a common interest, a common origin, and a common history, and in this age of fanaticism on the subject of slavery, they will force their Government to adopt us, or they will create a new order of things. I am sanguine in the opinion, that the administration will be compelled to make the annexation of Texas a leading measure.

You will readily perceive that the increasing difficulties between this country and Mexico will continue to produce the most favorable results. The United States and Texas, already united by a thousand sympathies, now find themselves still more closely bound together by the conviction, that they are the common objects of the bitter hatred and threatened revenge of the people and government of Mexico,

and although all hope to recognize us is here looked upon as vain and as nugatory as would be a war against this country, still these constant threats of vengence directed alike against them both, are not without a most powerful and to us favorable effect with the people and the Government of the United States.

The disbanding of our army has shown to the world, that we are well aware not only of our own strength but of the weakness of the enemy. The distracted and factious condition of Mexico, the poverty of her treasury and the mercenary character of her soldiery are matters of signal notoriety here, as well as in Texas, and I believe I may confidently assert, that the people and government of this country are as confident of our security from a reconquest by Mexico, as we ourselves can be. The ministers of foreign powers resident here, communicating to their respective courts the confidence, which this Government and this people have in our stability and security, will thus prepare the way for any foreign negociation, which may be ultimately necessary by producing favourable impressions, respecting us abroad.

I had the pleasure to forward to you by Mr. Rudder in a newspaper the report of the select committee of the Legislature of Mississippi on the subject of the immediate annexation of Texas, to which newspaper and to which report I refer you for the feelings and views of the people of that patriotic State. I was requested by the distinguished chairman of that Committee to prepare the report, which, with the aid of one other gentleman I did, and I am happy to inform you, that it has already had its effect here. The official paper viz. the Globe, to the columns of which we are deeply indebted for the most able and constant support in noticing the report and resolutions stated, they were unanimously adopted; underscoring the word *unanimously*.

In the report above alluded to, you will perceive, due notice is taken of the course pursued by Mr. Webster, who it would seem, has already taken the field for the Presidency of this Union. I regret exceedingly to state that the proposed course of this gentleman and his friends, it is understood, will be decidedly hostile to the cause of Texas. He has already made up the issue upon the question of slavery and raised the cry of southern preponderance in the councils of the Union. His influence lies in the northern and middle States, and is dominant nowhere except in Massachusetts and Vermont. What he may be able to do with the existing subject of slavery among the members of Congress, representing non-slave-holding states, I cannot say, but we derive from his violent opposition our most important benefit—the *warm and unanimous support of the whole south.*

It seems to be generally understood that the cabinet of the President is sectionally divided as to the annexation of Texas, but I have from

good authority, that the Secretary of the Treasury, Mr. Woodbury, has declared his willingness to sustain the views of the President, and, in this event, we shall have a majority of one in a council vote. The present condition of this country, distracted in its finances by the universal stoppage of specie payments, is well calculated to gain for us the favorable consideration of the President. The party opposed to his administration ascribe to him and his predecessor all the pecuniary disasters of the times, and there can be no doubt but that the clamor on this subject has within the last few months seriously weakened the Jackson party of the Union. In New York and Pennsylvania, where the President was considered invincible, recent events seem to be ominous of a final defeat. In the South too, every thing depends upon the course of the President as to the subject of Slavery, and it seems to be generally conceded that nothing would so much strengthen his party in that quarter of the Union, as decided and hearty support of the annexation of Texas. I have thought it not an unwise plan to encourage the impression, that, in the event of our annexation, our people would give their support to that administration, under whose zeal and auspices they were brought into the Union, and I am convinced of the favorable results of such intimations. Indeed I have been informally assured by a distinguished friend of the President, that he stood ready as soon as the friends of Texas were well organized to come out decidedly in favour of annexation, and to throw the whole weight of his influence into Congress to achieve this grand result. I think too, I can plainly perceive, that he is ambitious to distinguish his administration by such an accession of territory and power to the Union, and I think I may safely say, that the people of Texas will not be ungrateful for the distinguished honor of his hearty support. You will perceive from these remarks, that our annexation will be supported by the whole south, (without I confidently believe a division) and by the party influence of the President in the Northern and middle States, and that it will be opposed by those people of the latter named States, who are opposed to the President, to the peculiar institutions of the South, and to the further advance of the great principles of American Government. Notwithstanding the boasted ability of Mr. Webster, I am assured of success, and shall feel myself called upon for higher exertions to ensure the defeat of so powerful an adversary.

I beg leave respectfully to suggest the propriety of authorizing me in the event of the subject of annexation being brought immediately before the approaching Congress, to employ some efficient and able person, *having influence* with the members of the non-slave-holding states, to counteract the intrigues of Mr. Webster and the enemies of Texas. I will of course exert every means and power I possess, but it is notorious, that we Texians are watched with suspicion by many

of the people of the Eastern and Middle States, and that we are openly and shamefully abused by the press and the party of Mr. Webster. I accordingly repeat that a well paid, efficient, and if you please, secret agent, acting under my directions and having influence with the members of the non slave holding States, would be a most important enablement unto the success of our cause.

I beg leave, likewise, most respectfully to suggest, that as the party, known in this country as the Northern fanatics, are open and constant in their violent denunciation of Texas, it is not only impracticable, but absolutely inexpedient to attempt any thing like conciliation. We may endanger, by any such course, that firm, devoted and enthusiastic unanimity of the South, which is, indeed, our main support. I, of course, have no reference, in these remarks, to the well timed message of His Excellency Genl. Houston, upon the subject of the slave trade from other places than the United States, which, I am happy to say, meets my most cordial approbation.

I shall not fail to avail myself of every circumstance, calculated to aid the cause of our annexation, and I assure you, I shall exert myself, both officially and privately, to produce the most favorable impressions respecting us, not only with the people and Government of this country, but the Diplomatic Representatives of Foreign powers near this Government. In conclusion, I have the honor to state officially, that Mr. La Branche will be despatched as Chargé d'Affaires from this Govt. to Texas as soon as Mr. Forsyth shall have returned.

With every sentiment of regard and consideration. I have the honor to be

Your most obedient servant— MEMUCAN HUNT

To the
Honorable SECRETARY OF STATE
of the Republic of Texas

IRION TO HUNT.

DEPARTMENT OF STATE,
City of Houston, 14th. July 1837.

To the Hon.
MEMUCAN HUNT,
Minister Plenipotentiary of the Republic of Texas,
Washington City.

SIR,

I have the honor hereby to acknowledge the receipt of a communication, dated Washington, 17th. June, ultimo, (being dispatch No 19)

from Fairfax Catlett, Esqr. Secretary of legation, with a copy of a letter from Mr. Forsyth, Secretary of State of the U States, addressed to said legation, on the subject of the land District on Red River, recently established by an Act of the Congress of this Republic, in the Territory under the jurisdiction of the State of Arkansas. It is true that the citizens of Miller County of that State have elected and sent members to the Congress of this Republic, who have been permitted to participate in the legislation thereof: and a land District [has been] established by said act for the purpose of extending to them titles by this Government to lands of that County. In regard to this subject I have to inform you that the President is still absent at Nacogdoches, and I do not feel authorized to give any positive instructions thereon: but will submit the same promptly to his consideration when he shall return. It is certainly a matter of much importance to both governments: and this despatch is the first official information that has been received of the appointment of a commissioner on the part of the U. States to run the boundary line. The President has not made the appointments necessary to carry said land law into operation: and since this remonstrance is made by the U. States I am confident he will not make them, so far as said district is concerned, until the question of boundary shall be definitively settled. I would, moreover, remark that this Government has no disposition to adopt any measures calculated to disturb the friendly relations that now exist between the two countries, nor persevere in a course tending in the remotest degree to lay the foundation for such a result: which assurances you will respectfully make to that Government. If they claim as citizens the inhabitants occupying that territory, and deem it improper for them to legislate in this Republic *they* certainly have it in their power to restrain them, until it shall be determined whether they owe allegiance to the U. States or to Texas. The constitution of this Republic, which is the paramount law where its provisions are specific, guarantees to the people of Miller, or Red River County, where said land district is situated, the right of representation in the Congress thereof: of which privilege they cannot be deprived unless by an order of that Government. Despatch No. 18 has not been received.

I have the honor to be,
Sir, Your Obt. Servant

R. A Irion
Sec'y of State

P. S. I addressed you on the 26th. ultimo, at which period no official information had been received relative to the Chargé d'Affaires, or Commissioner to run the boundary line: and the only official intelligence on the subject of those appointments is the incidental reference to it in the communication of the 17th. June.

Mason to Irion.[a]

Nacogdoches, *July 15, 1837*

To The Hon. R. A. Irion
Secretary of State

Sir,

I have the honor to acknowledge the receipt of your favor of the 25th ult, communicating the request of the President that I would associate myself, *privately*, with the Texan Minister at Washington, during the approaching session of Congress, in the furtherance of negotiations which may exist between the two governments, and especially that I use every exertion to effect the annexation of Texas to the United States.

You justly estimate the deep interest I take in the prosperity of Texas; and as a sure guarantee of that prosperity, I have always ardently desired this annexation. It will therefore be highly gratifying to me to aid in accomplishing this object, and I shall repair to Washington as early as practicable (consistent with engagements already made) and give to the resident minister my hearty cooperation.

But as this service will be voluntary, embracing no official station, I must be left to judge when my efforts shall cease to be useful, and when to retire from it.

I have the honor to be
very respectfully
your obt. St

John T. Mason

Hunt to Forsyth.[b]

Henderson to Houston.[a]

N. Orleans
July 20th 1837

Dr Genl

After a long and tedious passage we arrived in this city on the 16th and will leave on tomorrow for Mobile We find Texas rather in better credit here than we expected to find it

Major Allen has been busily engaged in settling with Mr. Toby with whom he gets along admirably well. That Mr Toby has done some things wrong I have no doubt but truly I believe he has done as well as any other person could have done under the circumstances and

[a] A. L. S.

[b] July 18, 1837. See Hunt to Irion, August 4, 1837.

certainly better than any other agent has which has come within my knowledge Therefore allow me to request you *not to curse him any more until you hear all*, however a *dam* occasionally may do no harm

Since I arrived here I have discovered secretly that it is the design of Mr Plummer to make use of the letters of Marque and Reprisal which you have promised him to cause a Lawless invasion of Mexico commencing at Matamoros and extending to Tampico etc and that Genl. Felix[a] is to head the band. Now I would not have you to refuse the letters etc but I do believe that bad consequences would result to the character of Texas if the letters of Marque are not accompanied with such instructions and Limitations as will prevent the procedings which are intended by land

A fine steam ship has been purchased for the above purpose which would be a great protection to our commerce if properly conducted under Letters etc

There has been no late arrival here from Mexico which brings news of importance.

I fear from what I can learn here that we may prepare for a seperate existence as a Republic, if so I expect that several years will elapse before our country will be as prospering as its friends desire.

Your brother left here on yesterday: I have met many of your friends who enquire anxiously concerning your health etc etc Genl Dunlap is here and will leave for Texas in a few days Remember me to Richardson. I have been very unwell ever since I left Houston.

Your Friend

J Pinckney Henderson

P. S.

Pardon me for neglecting to mention, *Mrs. Houstons* name, *please give to her my compliments as I hope she accompanied you down to the Capital*

J P H

Forsyth to the Minister of Foreign Affairs of the Republic of Texas [Irion].[b]

[Asks credence for Chargé d'Affaires Alcée La Branche.]

Forsyth to Hunt.[c]

Poinsett to Forsyth.[d]

[a] General Felix Huston, who was in command of the Texan army in the latter part of 1836 and early in 1837.

[b] L. S., July 21, 1837. Endorsed "rec'd 26 Octr 1837."

[c] Two letters, both dated July 24, 1837. See Hunt to Irion, August 4, 1837.

[d] July 26, 1837. See Hunt to Irion, August 4, 1837.

HUNT TO FORSYTH.[a]

FORSYTH TO HUNT.[b]

FORSYTH TO HUNT.[c]

KENDALL TO STAYNER.[d]

[Giving a detailed plan for the government of postal intercourse between the United States and the Canadas, which was doubtless intended for use in devising a similar plan for that between the United States and Texas.]

HUNT TO FORSYTH.[e]

HUNT TO FORSYTH.[f]

POINSETT TO FORSYTH.[g]

HUNT TO IRION.[h]

Despatch No. 24.

TEXIAN LEGATION
WASHINGTON CITY
4th. August 1837.

SIR,

I have the honor to acknowledge the receipt of your despatch of the 26th. June ultimo, containing a copy of the general instructions. The particular instructions contained in your despatch shall receive my special attention. For my views at some length upon the subject of annexation I refer you to my last official letter, dated July 11th. number 23. Herewith, I enclose you a copy of my correspondence with this government since I wrote to you last, and hope it may be satisfactory to his Excellency, the President.

I have this day presented to the Honorable John Forsyth, Secretary of State of the United States, a communication of twenty odd

[a] July 28, 1837. See Hunt to Irion, August 4, 1837.
[b] July 29, 1837. See Hunt to Irion, August 4, 1837.
[c] July 31, 1837. See Hunt to Irion, August 4, 1837.
[d] August 1, 1837; probably inclosed with Hunt to Irion, August 4, 1837. The writer was Amos Kendall, Postmaster-General of the United States, and the person addressed was T. A. Stayner, deputy postmaster-general of British North America.
[e] August 3. 1837. See Hunt to Irion, August 4, 1837.
[f] August 4, 1837. See Hunt to Irion, August 10, 1837.
[g] August 4, 1837. See Hunt to Irion, August 4, 1837.
[h] L. S.

pages in length, asking the consideration of this government upon the subject of annexing Texas to the United States. a copy of which will be forwarded to you in a few days. I still entertain the hope that we shall be annexed, but the course of the official paper here is in no way encouraging. In my last despatch (No. 23) I mentioned this paper in a very complimentary manner, and showed what I had written to my friend and relation, Mr. Joseph S. Jones of North Carolina, who is very intimate with Mr. Blair and who promised me that he would communicate the fact to him, which he accordingly did. This was done with a view to cause this Editor to take a position for us upon the subject of annexation, but he has failed to do so, or even to publish anything much calculated to benefit us, and the remarks made in my despatch have as yet failed to produce the effect I had hoped for. I must therefore withdraw what I said in relation to the immediate aid to be expected from that paper. It is proper however for me to remark, that the private opinions of the Editor, Mr. Blair, are decidedly in favor of annexation, but he has been instructed by the Executive to maintain a neutral position for the present. The fact is that the President as yet, has not determined what he will do, or at least he is doubtful as to what course of policy would be most popular;—for that course he will be certain to pursue so soon as it is fairly ascertained. If it should be practicable however, as instructed I will urge this government into a position upon the subject, and my present impression is, that it does not oppose the measure. Should it prove a popular measure, the administration will make it a leading one. We have good reason to believe that Mr. Van Buren will be in favour of it, for should he oppose it, he cannot be reelected, and should the measure fail, there will be no small party of men, powerful in their influence, who will openly advocate a withdrawal of the Slave States from the present confederation, and I do believe that such a proposition would be carried;—in which event, I have no doubt but that the Slave States will instantly annex themselves to Texas. The administration here is in a most unenviable situation. Rives, Talmadge and other prominent advocates of the late administration differ with this upon the subject of the currency, and, it is said, that when that subject comes up at the called session of Congress, there will be any thing but harmony in the ranks of the old Jackson party. Mr. Kendall openly advocates the measure of annexation and is our fast friend upon that question. He is undoubtedly a man of remarkable ability and unsurpassed in his skill in carrying through everything he undertakes.

In my despatch (No. 2 from Vicksburg No 21, here) I gave it as my opinion that if Col. Wharton had obtained a passport from this Government before his departure for Texas that there would have been

no difficulty in securing their interference and effecting his release. I have been since confirmed in my opinion by a passage in Martens' Manual, which is regarded as high authority in matters of diplomacy. The following is the passage referred to. "In order that a Public Minister, or other diplomatic agents may be enabled in time of war to reach their destination in security, it is necessary that he be furnished with passports or safe conducts, by means of which he is authorized to traverse the territory of the foreign State, with the government of which his own is at war." I have since ascertained, however, that it is not the practice of this government to furnish passports without the limits of its own territory. Every Effort has been used to induce them to interfere in his behalf, but without success. I have held four several conversations with Mr. Forsyth upon the subject and earnestly argued the matter over with him, and when he had given me distinctly to understand that it was impossible for this government to take any steps for Col. Wharton's liberation in consequence of the present delicate position of their relations with Mexico, I then suggested the propriety of a private interference on the part of himself and his associates in office, but this he said would be of no avail, and it would moreover be impossible to separate their private from their official capacities in such an application to the Government of Mexico.

An arrangement has been made and agreed upon for the exchange of the Texas and United States mails at Ballou's[a] and Gaines' ferries upon the Sabine, and so soon as Mr. Kendall, the Post Master General can dispose of the contracts for the transportation of the United Steates' mail to those two points, the interchanges may commence. The agreement is, that the postage upon all letters from the two countries shall be paid to the respective line of each, and there shall be an exchange of mail bags at the dividing line.

Since writing the above, I have received intimations which strongly confirm me in my belief that Mr. Van Buren will favor annexation.

I have the honor to be,
Very respectfully,
Your Obedient Servant.

MEMUCAN HUNT

To, The Honorable
R. A. IRION
Secretary of State
of the Republic
of Texas

[a] Ballew's.

Copy of General Hunt's correspondence with the Secretary of State of the United States.[a]

General Hunt to Mr. Forsyth.

TEXIAN LEGATION, WASHINGTON
July 18th, 1837.

SIR,

I am instructed by the Government of Texas to inform you that they have lately received intelligence of certain arrangements having been made for the purpose of purchasing negroes, recently imported from Africa into the island of Cuba with the view of introducing them within the limits of Texas.

Their plan is to evade the law, which was passed by the Texian Congress last winter, making it piracy to introduce slaves from any other country than the United States, by landing them on this side of the Sabine and transporting them across that river into Texas.

It is the ardent desire of my government, not only to preclude all suspicion of connivance in this traffic, but also to lend their most efficient aid in putting it down. The condition of our navy, however, at present, is not such as would justify its being diverted from the immediate protection of the Coast. I have, therefore, the honor to request, in obedience to my instructions, that the Government of the United States will adopt such measures as will defeat the arrangements above alluded to, and thus aid in giving efficacy to a law, which was enacted in accordance with the enlightened spirit of the age and the established policy of the United States.

I have also the honor to inform you, that certain Indians from the United States are still committing their depredations upon the citizens of our eastern frontier, and again I would urge the terms of the existing treaties, relative to the control of the Indian tribes in that quarter.[b]

I am instructed to complain of a trading establishment on the Red River, owned or superintended by a Mr. Coffee, who, it is said, has been engaged in the reprehensible practice of encouraging the Indians in their predatory incursions, by purchasing horses and mules and such other property as they can manage to carry off from our citizens;—a practice, so outrageous in itself, and so dangerous to the peace of that frontier, that I earnestly hope that the Government of the United States, if they should not deem it expedient to restrict the privileges of such establishments to peltries alone, will lay an express prohibition upon their trade with all those tribes of Indians, (except so far as relates to peltries) which have been in the habit of commit-

[a] This is a general title covering the series of enclosures that follow. Both it and the title of the enclosures are inserted by the copyist.

[b] For this paragraph see reference in Calendar.

ting these depredations, whether residing within the limits of Texas or under the jurisdiction of the United States.

I have the honor to renew to you the assurances of my most distinguished consideration.

(signed) MEMUCAN HUNT.

Honorable JOHN FORSYTH.
Secretary of State of the United States.

Reply of Mr. Forsyth.

DEPARTMENT OF STATE, WASHINGTON [CITY,]
24th. July 1837.

SIR,

I have the honor to acknowledge the receipt of your note of the 18th. instant. In answer to that part of it, which represents that information has been given to the government of Texas of arrangements having been made to introduce African negroes into that country by the way of the United States, I have the honor to state, that this government is prepared to use all the means necessary to prevent the execution of such a design. Efficient steps cannot, however, be taken by the United States for that purpose until more detailed information, respecting the scheme shall be furnished. It is desirable, therefore, to know what grounds your government has for believing that such a project is in contemplation, and the particulars of the information given? Who are to be the actors and participators in the plan? At what point or points, and when are the negroes to be landed? The Texian Government may be assured, that so soon as this information is supplied, the President will lose no time in adopting the most efficient measures to frustrate any attempt to violate the laws of the United States, or to make any portion of their territory the pretext for evading the laws of a neighbouring State against the Slave trade.

I embrace this opportunity to offer you renewed assurances of my highest consideration.

(signed) JOHN FORSYTH.

To
His Excellency
General MEMUCAN HUNT
etc etc etc

[Next are transcribed copies of Forsyth to Hunt, July 24, 1837; same to same, July 29, 1837; Poinsett to Forsyth, July 26, 1837.[a]]

[a] For all three see Calendar.

General Hunt to Mr. Forsyth.

TEXIAN LEGATION, WASHINGTON
July 28th. 1837.

SIR,

I have the honor to acknowledge the receipt of your two notes of the 24th. instant in reply to mine of the 18th.

In answer to the one, desiring to know what ground my government has for believing that a project is in contemplation for the introduction of negroes from Cuba by way of the United States into Texas, and the particulars upon which that belief is founded? and who are to be the actors and participators in the plan? and at what point or points and when the negroes are to be delivered?—I have the honor most respectfully to reply, that the information, imparted in my note of the 18th. was transmitted to me in a despatch, dated the 20th of May [a] as having been recently communicated to the Secretary of State of the Republic of Texas, stating that it was the intention of a company to import and land negroes from Cuba near the Sabine river, within the United States, to evade the law, which prohibits their introduction from all other places except the United States. But the precise time, at which it is to be done and who they are proposing or intending to do this was not communicated. It is a practice which, without the constant attention of an ample naval force in the Gulph between the United States and Cuba, it is supposed, must exist for the reason that Slaves in Cuba do not sell there generally for more than half the amount of what they are worth in the United States. Consequently, the frustration of the plans of a Company in one shipment of negroes from Cuba in this way would not, it is believed, prevent a continuance of the practice, and in asking your attention to this subject in my note of the 18th. it was not to procure Cruizers in the Gulph for a week or a month, but to inform this government that there were arrangements, it was understood and believed, in contemplation to violate the laws of the United States, by introducing through its territory, negro slaves from Cuba into Texas. Should the Government of Texas ascertain when and at what time this or any other company may intend to land negroes from Cuba near Texas, as limited as is her naval force it is considered sufficient to make it unnecessary to desire the aid of the United States for so specific a service in checking the intruders.

It gives me pleasure to avail myself of this opportunity to offer to you renewed assurances of my most distinguished consideration.

(signed) MEMUCAN HUNT.

Honorable JOHN FORSYTH,
Secretary of State of the United States.

[a] This despatch has not been found.

Mr. Forsyth's Reply.

DEPARTMENT OF STATE
Washington [City,] 31st. July, 1837.

SIR

I have the honor to acknowledge the receipt of your note of the 28th. instant, and to inform you, that it is the intention of the Secretary of War to establish a military post at some eligible point on the Sabine river. Orders will also be given to the commander of the naval forces of the United States in the Gulph of Mexico to cruise off the mouth of that river to prevent the landing of African negroes in the United States. It is hoped that these measures will conduce to the defeat of any project that may have been formed to introduce such negroes into Texas by the way of this country.

I seize this occasion to renew to you the assurances of my high consideration.

(signed) JOHN FORSYTH

To His Excellency, General MEMUCAN HUNT.
etc etc etc

General Hunt to Mr. Forsyth.

TEXIAN LEGATION,
WASHINGTON
August 3d. 1837.

SIR,

I have the honor to acknowledge the receipt of your notes of the 29th. and 31st. ultimo, and a copy of a letter from the Department of War to the Department of State, dated the 26th.

The government of Texas will be greatly gratified at the disposition, so promptly expressed by the government of the United States, to aid in preventing the indirect slave trade from Cuba to Texas.

The ready adoption of measures by this government for the purpose of enforcing the stipulations of the treaties relating to the Indians upon the Texian frontier, will also be especially gratifying to my government, and in anticipation of the just disposition of this government to enforce the treaty stipulations referred to, I have been instructed to invite it to order its troops within the limits of the territory of Texas, should it be thought necessary, so far as the river Trinity, and to make such temporary fortifications as may be advisable for their protection and convenience. The government of Texas will doubtless be satisfied, that every necessary effort will be made by the United States to prevent Indian depredations on its frontier.

I have the honor to renew to you the assurances of my most distinguished consideration.

(signed) MEMUCAN HUNT.

Honorable, JOHN FORSYTH,
Secretary of State of the United States.

General Hunt to Mr. Forsyth.

TEXIAN LEGATION, WASHINGTON
August 4th. 1837.

SIR,

I have the honor to inform you, that I have been instructed by my government to notify you of the appointment of a Commissioner for the purpose of running that portion of the boundary line between the United States and Texas, extending from the mouth of the Sabine to the Red River, and to express the desire that a similar agent or agents may be appointed by this Government, and as early a day set apart for the purpose as may be convenient.

It gives me great pleasure to renew to you the assurances of my most distinguished consideration and regard.

(Signed) MEMUCAN HUNT

Honorable JOHN FORSYTH
Secretary of State of the United States.

[Next come transcripts of Forsyth to Hunt, August 5, 1837, and of Poinsett to Forsyth, August 4, 1837.[a]]

FORSYTH TO HUNT.[b]

PROCLAMATION OF HOUSTON CALLING SPECIAL SESSION OF SECOND TEXAS LEGISLATURE.[c]

HUNT TO IRION.[d]

Despatch No 25.

TEXIAN LEGATION
WASHINGTON CITY
August 10th, 1837.

SIR,

I have the honor to transmit, herewith, through the Agents of the government at New Orleans a copy of my note of the 4th. instant, to the Honorable John Forsyth, proposing the annexation of Texas to the United States.

[a] For both, see Calendar. It will be noted that Forsyth's letter is of later date than that into which it is transcribed.
[b] August 5, 1837. See Hunt to Irion, August 4, 1837.
[c] August 10, 1837. See Irion to La Branche, February 13, 1838.
[d] A. L. S.

In introducing this very important subject it was necessary to be full and somewhat minute in the history of the settlement of Texas and her contests with Mexico and in order to do this, I was compelled, as you will perceive, to present a comparative history of the two countries, which is very brief, in relation to Mexico and as succinct as possible in the account of Texas.

This I was very anxious to do, with the view of placing a correct and official history of the principles involved in our contest before the world and particularly before the people of the United States, and I gladly seized as a justification for it the denunciations and misrepresentations of the late Minister Extraordinary of Mexico, as published here and can maintain the ground should its propriety be called in question. This was made indispensable, as we have been greatly misrepresented in the United States by respectable public journalists and the only means of readily destroying the false impressions produced by them and by Mr. Gorostiza (the late Minister of Mexico) is to place officially before the world a true history of the contest. The French and English Legations are the only ones here, that are not decidedly against us, but when my paper comes to be published, I hope it will produce some change. I have spoken of General Santa Anna in severe but just terms:—I wish that I could have spared the fallen chieftain, but that was impossible in vindicating the truth of our wrongs and the justness of our cause.

My remarks upon Mexico as a nation are bitter, but they are true to the letter. Mr. Gorostiza's false denunciations in his correspondence with the State Department here, justified me as the Minister of Texas at the same Court in making a fair exhibition of the truth in relation to his own government and people. I thought it best to say nothing on the slave question, which as you know is more important than any other connected with the subject of annexation. With these short comments upon the paper, I entertain a hope that it will meet the views of yourself and be entirely satisfactory to his Excellency the President.

I think I discover a great solicitude on the part of the Executive to repress my ardent desire to bring up the question of annexation without the least delay and to induce a willingness on my part to see the action of this government deferred upon the subject. Indeed it was urged upon me to day in so earnest a manner by a gentleman, who is in the confidence of the Executive, that I found it indispensable to exhibit great sensitiveness upon the subject, and assured the gentleman, that if there was a failure to agree to the annexation of Texas by this government before our treaties with other foreign powers, became such as forever to defeat it, that the censure of the loss of Texas to the United States should rest where it ought to do

and must do, namely, with the Executive of the United States;—that the chief Executive officer could carry it through, if he would and the consequence of a failure, which would prove perhaps fatal to this Union itself, he and his advisers would be answerable for. I expressed at the same time the regrets which it would give me to see the consequences, which it was thought by gentleman would result from a failure to make the two countries one, but, at the same time, assured him, that unless this government acted speedily, that all opportunity would be forever lost;—that I hoped it possessed a proper sense of the importance of the proposition now before them and would act wisely. I think I shall succeed and that too at an early day, for I learn that there is great feeling upon the subject. In short, as I before remarked, the President cannot be reelected unless he favors annexation and I candidly believe that the Slave States will withdraw from the confederation and there will never be another election for President in these States as they are, unless Texas should be annexed. I am ardently attached to the government and Union of these States:—my ancestors aided in their establishment and I believe the annexation of Texas would prolong if not perpetuate the existence of the Union. With these sentiments and impressions you can form a just idea of my deep solicitude for the accomplishment of my mission and I am extremely gratified to discover that you entertain similar opinions unofficially in relation to its importance. My whole mind is devoted to its accomplishment. It is a desire, nearer my heart than all others as it is fortified by the belief that nothing can so much benefit my beloved and adopted country. My fears in relation to the disposition of this government to protract its deliberations upon the subject of annexation induce me to suggest to you the policy of placing it in my power, should it be necessary to bring the consideration of the subject before Congress, whether the Executive may desire it or not. To do this, it will be necessary for you to address a communication to a member of Congress (and leave me to fill up the name if you please.) soliciting him to present the within proposition and terms of annexation to the Congress of the United States. I will draw up such a treaty or proposition as I believe will succeed and place it within the communication and seal and direct it to such member of Congress as will be able to secure most influence in its favor. I must likewise request that you will solicit his Excellency the President to direct you to enclose me a blank order for a copy of the archives of this Legation since its establishment that the same may be published or any part thereof as printing is cheaper and may be better done in the United States than in Texas. The object of these requests you will readily discover and appreciate:—for should the Executive of this government pursue an equivocating course and plainly evince a

disposition to defer the consideration of the subject until there would be danger of its being defeated entirely, it would then be necessary to bring the question before the nation through a different channel and in another form. And should our government persist in its determination to try every possible means of accomplishing the measure, without regard to the opposition of the Executive here, the plan above suggested, has occurred to me as the most feasible that could be adopted. How long the President will cause the Secretary of State to defer an answer to the proposition of annexation, I am at a loss to say.

I have not yet received a reply from the Secretary of State upon the subject of a commissioner to run the boundary line.

Mr. Poinsett, Mr. Forsyth and Mr. Kendall as I mentioned in a despatch some time since are favourable to annexation In Mr. Poinsett we have a powerful advocate. The Southern States and Texas should know at a proper time, how zealously he advocates the measure and I make this mention of the distinguished gentleman's name that the archives of this Legation may bear testimony to his valuable efforts for its accomplishment.

General Hamilton of South Carolina reached this City on the 8th. instant. I waited upon him immediately after hearing of his arrival and for the first time had the honor of taking this gallant son of the South by the hand. I have communicated with him more freely than with any other citizen of these States, and am very much delighted at his zeal for Texas.

My despatches are generally written in haste and without that attention to the arrangement of sentences and language, which I should bestow if they were to be made public without my being allowed to correct them in this respect. You will therefore excuse these defects.

I have the honor to be,
Very respectfully
Your Obedient Servant
MEMUCAN HUNT

To,
The Honorable
R. A. IRION
Secretary of State of the Republic of Texas

FRIDAY MORNING
11th August

Since writing the above, I have ascertained beyond a doubt, that Mr Forsyth Secretary of State of the United States is violently opposed to annexation!! I could not avoid proclaiming on hearing of it, "and you too Brutus" knowing it as I did to be "the unkindest

cut of all"; for it proves him to be a traitor to the most delicate and deepest interests of those to whom he is indebted for the very power and influence which he is now attempting to exercise against them. But thanks to God, if matters terminate as it has been intimated to me they will, this ingratitude will bring about results for Texas, the South and himself precisely contrary to his expectations. Were it not for Mr Poinsett we should lose the question, and if it succeeds I award to him in advance the greatest and most unqualified praise. If I am successful, this Cabinet will not remain as it is. You understand me. Mr. Kendall is a zealous supporter of the measure, but unfortunately for us he is absent. He and Mr Poinsett has [sic] the battle to fight, they are valliant soldiers and I deem the comparison analog[o]us when I say of Mr. Poinsett, that like the brave Bowie and Travis and their associates, he will not survive a defeat;—*he will not hold office unless the question is carried.* This is true patriotism, his name is worthy to be associated and remembered with those of the most chivalrous Captains and Statesmen of our gallant native land or the one of our adoption.

General Hamilton left this City on yesterday.

Mr. Secretary Catlett set out on a visit to his father last evening, and expects to remain a week. I have therefore to attend to the duties of both Minister and Secretary. Mr. Catlett is as attentive as it is possible for one to be to the duties of his office, but it is impossible for him to perform all the labours attendant thereupon at this time. I conceive myself very fortunate in having near me a gentleman who is in every way so agreeable to me as Mr Catlett is.

I have the honor to renew my expressions of respect and regard

MEMUCAN HUNT

To,

The Honorable R. A. IRION
etc. etc. etc.

[Enclosed is a copy of Hunt to Forsyth, August 4, 1837.[a]]

IRION TO HUNT.[b]

DEPARTMENT OF STATE,
CITY OF HOUSTON
Aug 13th 1837

SIR,

I have the honor to inform you that your communication of the 12th[c] Ultimo marked dispatch No 23, has been received, submitted to the President and duly considered

[a] See Calendar. [b] L. S. [c] Should be 11th.

The able manner with which the various topicks connected with our diplomatic relations with the United States have been discussed, and your zealous support of the interests of this Republic, as evinced in that dispatch, I take great pleasure to state, is highly satisfactory to the Government and gratifying to the Executive.

The policy of this Government with regard to annexation continues the same. To what extent the instructions heretofore given on this subject may be modified consistently with the interests of Texas must in a great degree be left to the judgment and discretion of yourself and those friendly to our cause, who are aiding, or may assist to consummate this paramount measure. In the spirit of those instructions you will make the conditions as favorable for Texas as possible.

With respect to the south western boundary this Republic claims to the Rio Grande. Should the United States however object to this extension of our Territory insist only on the former limits of Texas, which were fixed by the Government of Mexico at the River Nueces.

Should *insuperable* objections arise to receiving this Republic as a State negotiate for admission as a Territory. In either case stipulate that the United States shall assume the payment of a definite amount sufficient to cover our national debt; and for a general guarantee for the protection of all legal and vested rights, acquired under this and former governments.

In reply to the remonstrance of the U. States by Mr. Forsyth protesting against the act of the Congress of this Republic establishing a land district including territory claimed, and in the occupancy of Arkansas, I addressed you on the 14th July ultimo, during the absence of the President, to whom, since his return, both[a] have been submitted.

He approves my communication on that occasion and in order to prevent any further misunderstanding with that Government on this subject, and as the only means within his power of remedying the evil, he has issued a Proclamation convening Congress on the 25th September next, in order that they may suspend the operation of the law which requires that said land office shall be opened on the first Monday of October, until that boundary shall be defined.

Very respectfully
Yr. Obt. Servant

R. A. Irion, *Sec'y of State*

Hon M Hunt
Minister etc
Washington City

[a] That is, remonstrance and reply.

IRION TO HUNT.

DEPARTMENT OF STATE
CITY OF HOUSTON *Aug. 13th 1837*

SIR,

Col Grayson intending shortly to visit Washington City the President has instructed me to inform you that he is fully authorized to confer with you on all matters touching the intercourse and diplomatic relations between the Government of the U States and this Republic; in whom you will find an able coadjutor in effecting the great object of annexation, and to whom I refer you for much useful information relative to our present political condition at home.

The Col's visit to Washington has caused my communication of this date to be more brief than it would have been, he being well acquainted with the views of the Government.

Very respectfully
Yr Obt. Servant

R. A. IRION
Sec'y of State

Hon M Hunt.

FORSYTH TO HUNT.[a]

HUNT TO FORSYTH.[b]

HUNT TO IRION.[c]

Dispatch No 26.

TEXIAN LEGATION
WASHINGTON CITY,
September 18th 1837.

SIR,

I have the honor herewith to present to you Mr. Forsyth's reply to the proposition I made on the 4th. of August to annex Texas to the United States and my rejoinder to that reply. I hope that the independent grounds, which the dignity and honor of my country and self demanded that I should assume in the reply to Mr. Forsyth's refusal to entertain the proposition for annexation will be entirely satisfactory to his Excellency the President.

Mr. Adams of Massachusetts offered a resolution in the House of Representatives on the 12th. instant, calling for any correspondence,

[a] August 25, 1837. See Hunt to Irion, September 18, 1837.
[b] September 12, 1837. See Hunt to Irion, September 18, 1837.
[c] L. S.

which may have occurred between Texas and the United States upon the subject of the Union of the two governments, which was adopted, and I learn that the Executive will comply with the wish of the House, as expressed in that resolution.

I will at this time forbear to say any thing more than that I hope and believe that the correspondence will be published and circulated extensively, and that its effect will be so great as to ensure successful termination of the question at the main session of Congress. The mere introduction of the subject by a call for the correspondence produced great excitement.

My present hope is that one of the branches of Congress at the main session will pass a resolution, requesting the President of the United States to instruct the Secretary of State to ask of the Minister of Texas the terms, upon which his government asks admission into this Union, and when said terms are presented, there will be a move for their acceptance, which, if adopted by both branc[h]es of Congress, will be signed doubtless by the President.

I have, as yet, received no reply from Mr. Forsyth upon the subject of the appointment of a commissioner to run the boundary line.

The President assured me sometime since that Mr. La Branche would proceed to Texas as Chargé d'Affaires from this government without further delay. Your despatch of the 14th July has been received. I will write to you again soon in detail.

I have the honor to be

Your obedient servant,

MEMUCAN HUNT

To The Honorable R. A. IRION
Secretary of State

[Enclosed are copies of the following: [a] Forsyth to Hunt, August 25, 1837; Hunt to Forsyth, September 12, 1837.]

IRION TO HUNT.

DEPARTMENT OF STATE,
CITY OF HOUSTON, *Sept. 20th. '37.*

SIR,

I have the honor to acknowledge the receipt of your Despatches under dates of the 4th. and 10th. ultimo, and have submitted the same to his Excellency, the President.

With regard to the North American Indians, who have from time to time intruded themselves into Texas in violation of the 33rd. article of the Treaty of limits between Mexico and the U. States,

[a] See Calendar.

Bands of the following Tribes may be enumerated, viz,—Cherokees, Cadoes,[a] Kickapoos, Shawnees, Delawares, Creeks, Seminoles, Cuchatas,[b] and Boluxes.[c] These Bands are interspersed through Texas at various distances from each other from the Gulf of Mexico on the east to the Cross Timber on the west, living during a part of the year in villages for the purpose of raising corn, and the remaining portion of the season roaming the country from the Rio Grande to Red River on hunting, stealing, robbing and murdering excursions, in which adventures they often unite with the hostile indians of the Prairies.

That several of those Bands entertain a settled determination to unite with the Mexicans against the Texians when a favorable opportunity presents itself there can be no doubt. Their conduct during the panic of 1836 in eastern Texas demonstrates the fact.

Nothing but the timely presence on the Sabine at that time of that humane, heroic, and immortal leader, Gen. Gaines, restrained them, and prevented a general Massacre of women and children who were leaving the country on account of the advance of the Mexican army. Many of them were embodied and already in the service of Santa Anna. A relic of that service still exists at Teran on the Naches, where, at the time of the battle of San Jacinto, they were employed in constructing rafts to facilitate the crossing of the Mexican Army, which was but a few days march therefrom.

That the Cherokees sent a delegation to Matamoros last summer to negotiate with the Mexican authorities we have the positive testimoney of several respectable Americans, as well as Texians, who were there, and recognized them.

The line of the Sabine and Red River frontier is not the scene of the depredations of the Cadoes; *their* acts of violence are perpetrated on the Trinity, Brazos, Colorado, Guadalupe etc. far distant from the places of their ordinary abode. In almost every skirmish that occurs on our western frontier Cadoes are recognised. They have in several instances, been shot in the act of stealing horses and murdering the Texians.

They are not formidable on account of number, but from their influence with the prairie Tribes

This information we derive from officers in the ranging service, and citizens living on the frontiers. It is not remarkable that the wily Chieftain, Bowl, of the Cherokees, should, when, application was made to him by agents of the U. States, to know whether he and his associates were innocent, [and] that they should, from his own statement, appear so.

[a] Caddoes.
[b] Koasati. (See Handbook American Ethnology.)
[c] Biloxi.

This Government was incidentally informed by letter from that quarter that two U. States officers in June last visited the Cherokees in order to report their disposition to that Government. Had that application been made to this Government abundant evidence could have been presented to have convinced them of the hypocracy and cunning of Bowl. Some of his tribe were then at Matamoros, and others, associated with their allies, murdering our frontier inhabitants. Deep rooted apprehensions with regard to those Indians still pervade the public mind, and constant anxiety is felt throughout the whole country. The prairie Indians are unskillful in the use of fire arms, who, without the guidance of N. American indians, would be comparatively harmless. The citizens of Texas are relatively, a small nation of people spread over an extensive territory, at the same time battling against vast odds for the sacred and immutable principles of liberty, with the Mexicans on the south, hordes of indians to the Rocky Mountains on the west, the Gulf of Mexico on the east, and those disconnected Bands from the U. States dispersed throughout the Border of Sabine and Red River. Under those circumstances, inasmuch as many of those indians are intruders and have no claims on Texas, it would seem more consonant with humanity and justice for the U. States, who have the power and the right, at once, to cause all who have emigrated contrary to stipulations in Treaties entered into between Spain, Mexico, and the U. States, to be removed to countries heretofore assigned the tribes of which they are parts, by that Government. Independently or other considerations phylanthropy towards those indians would indicate such a course, for the longer they remain among us the more unpleasant will be their situation. Conflicts between them and citizens on whose lands many of them reside will necessarially arise, which disputes, it is easy to foresee, will engender animosity that will end in open strife. The experience of more than half a century in the U. States shows that Americans and indians cannot live together under the same laws. That conviction created the humane policy of removing them peaceably to countries where they may for ages flourish and preserve their own habits and nationality.

I have communicated to the Post Master General the willingness of Mr. Kendall to interchange the respective mails at the crossings of the Sabine, with which arrangement he is much gratified.

It will afford to the inhabitants of both countries important facilities.

The President declines the appointment of the secret agent suggested in your 25th. Despatch.[a]

[a] This must relate to Hunt's proposition that some member of Congress, chosen by himself, be solicited to present terms of annexation.

With respect to annexation there is nothing new to offer.

We are anxiously awaiting the determination of the U. States Government on the proposition for admission.

I feel much solicitude on this subject, for I am confident should we be rejected now the proposition will never again be made by the people and Government of Texas.

In case they refuse to admit us our Agent is ready near the Court of Great Britain to receive instructions, and we will be compelled to make the best bargain with her we can. The wisdom of England seldom loses sight of her true interests, expecially when they relate to commerce and manufactures. A direct trade from Galveston, and other ports to Liverpool can be easily established. It can also be demonstrated to England that there are sufficient cotton lands in Texas to grow more cotton than that Kingdom requires for the supply of her manufactories—and owing to peculiarity of climate and soil a better article at a cheaper rate can be furnished, than by the U. States.

No apprehension is entertained of an invasion at this time.

Two Brigs of the enemy recently appeared on our coast, and after an engagement at Galveston with the Invincible departed and have not been since heard from. The Invincible was lost by running aground after having fought several hours doing them considerable damage without sustaining any herself.

The continued bad faith of the Mexican Government has induced the President to issue "Letters of Mark and Reprisal:" the great object now being to keep command of the Gulf They cannot reach us by land unless they can supply their troops by sea.

The country is more tranquil than it was in the spring and summer. Good crops have been raised throughout the populated portions of the Republic. We have assurances of a large influx of emigrants during the fall and approaching winter. Congress will convene on Monday next.

The President I regret to state has had an attack of congestive fever. He is yet very feeble, but is decidedly convalescent.

Please make my best compliments to Col. Grayson, and say to him that my health is as precarious as when he left.

With great consideration and respect I
have the honor to be your obt. Servant.

R. A. Irion

Hon. M. Hunt
Minister Plenipotentiary
of R. of Texas to U. States

Message of Houston to Second Texas Congress as to Eastern Boundary of Texas.[a]

Grayson to Irion.[b]

[Louisville, Kentucky,] *October 1 1837*

My Dr Sir,

After many delays, and through various mishaps, I got to this place a few days ago. Before leaving Galveston I had a slight attack of intermittent fever and from exposure afterwards, was laid up for a week or two at different points, with renewed visitations of that agreable malady. I am now however gaining strength pretty rapidly and shall go on Eastward as soon as I have made some ascertainments to my thorough satisfaction here, with respect to the subject of our great solicitude. I am happy to say that the administration Editor, of this place, (who greatly influences the politics of the West with respect to his party) is decidedly in *favor of annexation*, and has assured me that he is *confident of the views of the President being in accordance with his own.* He speaks with great confidence as to the result, and will I am sure in every way advocate the measure, which he is already beginning to do in a very judicious manner. But there is one person here, (a member elect of the Legislature of the State, a man of *very high abilities* who has expressed to me *some doubt* of the *policy* of the measure of annexation on the part of the Government although he admits the great probability that it will take place. As I know the Kentucky Legislature will express some opinion on the subject, at its next session, I am very anxious to impress upon the Gentleman in question, every argument and consideration I can think of, to induce him to take a stand, at once *decidedly* favorable to our views. He is not at all *decidedly* opposed; but seems to hesitate a little, only, for the want of a clear conviction of the advantage to result to the U States from the proposed measure.

You may be sure I have not failed to urge upon his attention, views which I think had not before occurred to him, on the subject, and which if I mistake not have not been without their effect.

Much, let me observe to you, depends upon the expression of the Legislature of this State, because that expression will influence *Mr. Clay*, who, in conjunction with Mr. Calhoun Preston etc in the Senate, can undoubtedly carry the measure, if, as I now do not doubt, Mr Van Buren be earnestly in favor of it. I shall be in Washington in a few days, from which point I shall be able to write you more understandingly on the subject. Nothing will be attempted *in Con-*

[a] September 25, 1837. See Irion to La Branche, February 13, 1838.
[b] A. L. S.

gress, however, I can say to you, until the regular session—the present one not being likely to last longer than till the 15th. of October or thereabouts.

I am all in the dark about Texas affairs ever since I left—except that I see by the papers, the Invincible has been lost on the bar of Galveston,—that the Indians have committed some new outrages—and that Wm. H. Wharton has made his escape from Matamoros. I have an unspeakable solicitude to hear of the proceedings of the called Congress, if indeed there was a quorum, which I was inclined to doubt.

I see Genl. Johnson every day, here, and am happy to say that his health is rapidly improving and that it is his intention to return to Texas about the first of November.

As I write now merely to let you know where I am etc and give you the little glimpse I have gathered as to our prospects, so far, I shall say no more, except to request you will present my best regards to the President, who I hope is enjoying good health, and for yourself that you will

very truly
Yr. friend

P. W. Grayson

Dr R. A. Irion,
Secretary of State etc
Houston Texas

Report of Committee on Foreign Relations, Second Texas Congress.[a]

Grayson to Houston.[b]

Washington [City,] Oct 21 1837

Dr. General,

Manifold mishaps and untoward circumstances prevented my reaching this place before the adjournment of the called session; I got here on the 18th—Congress having adjourned on the 16th. This is a matter I had no particular reason to regret however as before my arrival I had learned that there was no intention to bring up the subject of Texas and the question of its annexation, until the regular session which commences you know on the first Monday in December.

By the Communications of Genl. Hunt, you will have seen the present attitude of the question with the Cabinet of this Govern-

[a] October 3, 1837. See Irion to La Branche, February 13, 1838.
[b] A. L. S.

ment—which you will observe, is for the present acting with a sort of diplomatic caution, out of deference to the prejudices of the North. Nevertheless, their real solicitude for the annexation can not I think be *questioned*. I have called on several members of the Cabinet, among others Mr. Poinsett, whose warmth on the subject seems equal to our own, but was met by him with the *Cabinet suggestions* of a little delay for the present!!—in reply to which the appropriate suggestions as to the hazards of any postponement etc were made by Genl Hunt, who accompanied me and myself.

In the event of the administration *holding back* in this equivocal manner, it is suggested as more than probable that Mr Clay will take the lead in favour of the measure joined by Preston etc. From all I can learn of Mr Clay in respect to the question I cannot doubt that *he* is with us—and if so, by the new views he can present, there is little doubt of his being able to conciliate so *much of the North*, as *added to the South will carry the* measure.

Upon the whole, however according to the views I take of the subject, I look *upon the result*, as *exceedingly doubtful*. This I have deemed it due to truth and candour to say to you, notwithstanding my great solicitude on the subject.

But there is a mighty feeling to burst forth—a sort of volcanic explosion to take place in Congress, on the question at all events; and as in the natural world, such convulsions sometimes Sink *old continents* and throw up *new* ones—by analogy we may suppose, that political convulsions may destroy old opinions and parties and bring up others in their stead, which are to change the whole face of affairs.

I have written this letter, rather to let you see I am *alive* and to express to you my respects, than as deeming any thing I have as yet to communicate, of any material importance.

In the course of a short time however, I shall hope to be able to say something *more conclusive* as to future events, that may be expected by us from the actions of this Government—which is to decide our fate one way or the other. Every pains shall cheerfully be taken by me to learn everything and *influence* every one in my *power;* of all which I will feel it my duty to give you the earliest information.

It gives me great pleasure to assure you of the *zeal* and earnestness with which Genl Hunt, is labouring to effect the wishes and instructions of his Government.

You will see by the correspondence he sends to the Department of State, that even the old fanatic J. Q. Adams is committed *for the acquisition* of Texas

To Doc Irion—Smith etc. be pleased to express my most cordial salutations and for yourself believe me

Very faithfully
Yrs etc

P. W. Grayson

Hunt to Irion.[a]

Despatch No. 27.

Texian Legation.
Washington City.
Oct. 21st. 1837.

Sir,

I have the honor to acknowledge the receipt of your despatch by Col. Grayson of the 13th of August. I am very much gratified to know that my official duties have been conducted in a manner so satisfactory to the President and yourself.

The present attitude of the question of annexing Texas to the United States is delicate and precarious. Should the United States declare war against Mexico at the next Congress, there is little doubt of the success of my mission—if otherwise, I doubt whether I can make any just calculations of success. I am satisfied that the Executive here would be pleased at its accomplishment, but he will act with great caution in advancing its consummation. The friends of the measure, who are in the confidence of the President and Cabinet, insist on time to enable them to carry the measure. They say it is impossible to jeopardize the strength of the party in the North by precipitate action upon the subject, and doubt whether they can carry the question even by the 4th. March 1839. I invariably reply, that I fear their tardiness will lose the acquisition of Texas, and should it be lost, Mr. Van Buren will lose his election, as the South will oppose, with unprecedented unanimity, the elevation of any man, who opposes the question, or fails to lend his aid in its accomplishment. There will be a powerful effort made by the friends of annexation for its accomplishment, when Congress meet, and Mr. Van Buren will be forced into a position, I think, and that position will be favorable, unless I am greatly mistaken. I expressed to an influential friend of the Executive, a short time since my determination to apply for a recall, if there were no evidences given to me of a positive disposition on the part of this Government to acquire Texas and authorised him to confer with the President and Secretary of State upon the subject confidentially. I am not at liberty to communicate even to you the result of this private interchange, and am so bound up in secrecy, that I can only say I was made satisfied to continue my residence here longer. Mr. Clay offered a resolution on the eve of the adjournment of Congress, calling on the President for the correspondence with Mexico, relative to the claims of this government. *The result of this call may produce consequences more propitious to the advancement of the accomplishment of my mission than all other combined circumstances, now hoped for.*

[a] L. S.

I forward you the correspondence between this government and Mexico upon the subject of the cession of Texas by Mexico. You will discover that Mr. Adams, Mr. Clay, Genl. Jackson, Mr. Van Buren, Mr. McLane, and Mr. Forsyth are all committed upon the subject of its acquisition. I have had several thousand copies of my correspondence with this government printed and shall take the liberty of forwarding them to you and of asking that they may be distributed as generally among the people as possible.

The Senate have not yet confirmed the nomination of the commissioner to run the boundary line. Gov. Reynolds of Mississippi is the nominee and his name has been in the hands of the Senate since last winter.

I send you regularly the newspapers of this City, which will afford you all the information in relation to the action of Congress upon the subject of Texas. Twenty thousand copies of my correspondence with Mr. Forsyth on the subject of the annexation have been printed by order of the House of Representatives.

I am delighted to have Col. Grayson with me in the capacity he occupies, and should be much more gratified if his relation were that of colleague.

I have the honor to be
Your obedient servant

MEMUCAN HUNT.

To,
The Honorable
R. A. Irion
Secretary of State.

HUNT TO IRION.

Despatch No. 28.

TEXIAN LEGATION,
WASHINGTON CITY,
Nov. 15th 1837.

SIR,

Since writing you on the 21st of October, I have in company with Col. Grayson, visited Philadelphia and New York, where we remained two weeks with our loan Commissioners Messrs. Gilmer and Burnley. They failed in accomplishing their object, but from two long interviews, which I held with Hon. N. Biddle, I have little doubt that if the loan act is altered in the manner which will doubtless be suggested by the commissioners, we shall soon be able to effect our desires in this respect. I wrote to Messrs Gilmer and Burnley at

length relative to the views of Mr. Biddle and learn that Mr. Burnley has since had a full interview with him upon the subject.

I have had a long interview with Mr. Forsyth since my return, on the subject of annexation, and am gratified to state that his tone is more favorable, than it has ever been in any previous conversation, I have held with him upon the subject. He remarked that if matters were properly conducted at home, he had no doubt the annexation would be accomplished. He spoke in very censurable [sic] terms of the course of the New England States on the subject, and I now believe is a warm advocate for the measure of annexation and for having it accomplished as early as possible. I asked him whether Mr. Martinez, the Minister of Mexico, had made any suggestion on the subject of a tripartite treaty or cession of Texas. He replied in the negative, and stated that the Mexican Minister assured him, that he had not yet received any instructions from his Government. I requested Mr. Forsyth not to repulse any proposition from the Minister of Mexico, which he might make on the subject of Texas (if this Government desired a treaty of annexation with us) without first communicating with me on the subject.

The friends of annexation are encreasing their numbers very fast in the Western States. There is not, I am informed, in the Illinois delegation a single dissentient voice. Senator Allen of Ohio is in favor of it and both the Senators from Michigan are so in their private sentiments and have promised to be so officially, if their constituents can be prevailed upon to sanction their course. I most ardently hope that my Mission will succeed during the ensuing session of Congress, but I doubt whether it can be accomplished. Every possible exertion however shall be used to bring it to a speedy and successful termination.

I have the honor to remain
Your obedient servant—

(Signed) MEMUCAN HUNT.

Honorable R. A. IRION
Secretary of State.

MASON TO IRION.[a]

NEW YORK, *Novem. 27th 1837.*

SIR;

After the communication made to you from Nacogdoches in relation to an association with Genl. Hunt in forwarding the views of the Texas Government at Washington, everything conspired to defeat

[a] L. S.

my wishes; and the one insurmountable was ill health. The consequence was a protracted journey, and I did not reach here till the 27th Septr. On the next day I addressed a letter to Genl. Hunt, and found that his correspondence with Mr. Forsyth had commenced and terminated in a manner to preclude any further negociation at the present moment on the subject of principal interest, and the one in which I was more especially charged to give my aid. Being at the same time an invalid and much business to attend to and Congress about adjourning in a few days, I did not go on to Washington; but have had the satisfaction of seeing Genl. Hunt here in company with Mr. Grayson the Atty. Genl. In our conference I found that Mr. Grayson was charged with the same authority as myself and would remain at Washington during the ensuing session of Congress.

I therefore have concluded that my presence there would be unnecessary and Mr. Grayson and Genl. Hunt seemed to concur in this view. Indeed it was doubtful whether I could give the time to the objects contemplated, and whether my health would permit. The neglect of my business has been great in consequence of a protracted decripitude from a severe attack of Gout, and I am here now without having been able to join my family at Detroit. In the course of after days I hope to go there and from thence proceed south, to which climate I must resort for a permanent restoration to health. According to my present arrangements I anticipate being in Texas in March or Feb[r]uary next.

I beg you to accept the assurances of my high consideration and perfect esteem.

JOHN T. MASON.

The Hon.
R. A. IRION, Esq.
Secretary of State
of the Republic of Texas.

LA BRANCHE TO IRION.[a]

LEGATION OF THE UNITED STATES AT HOUSTON
27th. November 1837.

SIR,

The President of the United States having thought proper to appoint Mr. Stewart Newell consul of the United States for the port of Velasco in the republic of Texas, I have the honor of submitting his commission to you as such, and requesting you to deliver an ex-

[a] A. L. S.

equatur for him. You will be pleased to return the commission with the Exequatur, so that I may forward them to Mr. Newell.

With high consideration and respect I
have the honor to be your Obnt Servt

ALCÉE LA BRANCHE.

To
The Honble R. A. IRION *Secretary of State*
Republic of Texas.

LA BRANCHE TO IRION.[a]

LEGATION OF THE UNITED STATES,
Houston, 29th November 1837.

SIR,

As I had the honor of apprising you a few days ago. it becomes my duty to submit formally the claims of citizens of the United States, who have suffered injury from your government or its officers. with a request that the same be laid before his Excellency the President.

I would I apprehend do injustice to your intelligence and sense of equity were I to conceive that more than a mere statement of the facts were necessary to convince you of the validity of these claims. and the propriety of acknowledging them. I will therefore confine myself to a brief recital of the circumstances of the case.

On the 20th of March 1836. the Brig Pocket. sailing under american colours and belonging to citizens of the United States. left New Orleans bound to Matamoros. On the voyage she was captured by the Texian armed schooner Invincible, commanded by Jeremiah Brown, and carried to Galveston, and with her cargó appropriated without trial or condemnation by persons acting under the authority of the Texian government. The captain and crew. with the exception of the second mate, who was still more severely de[a]lt with. were detained nineteen days at that place. after which they were released and suffered to embark for New Orleans. Permission was given them to take such articles of private property as belonged to them. but after a general search they were unable to find any thing. Their clothing, hats, books, quadrants. charts were all missing having been already secured by the captors. Previous to this. the passengers were transferred on board of a Texian armed schooner called the Brutus where they were all stripped and searched by a person named Damon who acted as Lieutenant, and four of them viz. Hill. Hogan, Murje and Campo were immediately put in double irons by him.

[a] A. L. S. The archives contain also two copies, one of which is endorsed "Secret Session May 3rd, read in Senate."

One of the passengers, Taylor, had his trunks broken open by this Damon and 497 dollars together with other property taken therefrom, amounting in value in all to $800. When he desired to obtain a simple receipt for the money alone, he was also put in double irons. Hogan and Campo received one hundred lashes on the bare back with a cat o' nine tails, stretched on an eighteen pound cannon, and were threatened by Hurd acting as Captain of the Brutus and Damon that they should be hanged—the foreyard was accordingly loosened and braced for that purpose and these inoffending victims were actually brought on deck with ropes around their necks and tortured with their impending fate. Somers and Taylor were kept in double irons, the former for the space of twenty five days, and the latter for seven weeks. At the expiration of those periods instead of being released, they were forcibly detained without any legal pretext or excuse for upwards of four months and seven months separately, when they were permitted to depart for the United States. Somers, during all this latter period was compelled to perform various work, such as unloading vessels etc, and had all his clothing and instruments of navigation taken from him.

As American citizens, proud of a title honored and respected by all nations, and under the protection of their flag, they had a right to expect exemption from violence or outrage from any quarter, but most of all from officers acting under the authority of the people of Texas, whose reminiscences of a common country, consanguinity and sympathy should still be so vividly entertained, and afford such constant sources of pleasing emotions.

The brig Durango commanded by James C. Ryan, also an american vessel was seized in Matagorda Bay, and pressed into texian service, by the orders of John A. Wharton, adjutant general of the texian forces, and William S. Brown commander of the texian armed schooner Liberty. Said vessel sailed from the port of New Orleans for the port of Matagorda. Capt. Ryan finding himself deprived of his vessel and being unable to reclaim her in a legal way was compelled to abandon her, but recorded his dissent from this proceeding by entering his protest in due form before Charles Wilson, primary judge of the department of Brassos and jurisdiction of Matagorda, on the 22d of March 1836.

The facts above mentioned in relation to the capture of these vessels are made known to me by documents in my possession duly attested, and which I am ready to communicate to you, should you desire it.

The amount claimed for the vessels is eight thousand and fifty dollars which I am instructed to demand of the texian government, and also to require an indemnity for the property taken from the individuals on board, and for the other injuries they received. For the

latter claim I refer to future consultation with you, to determine what shall be deemed fair and equitable, and, I doubt not, that we shall agree upon that point as well as upon the justice and propriety of the present application for redress.

The almost universal reprobation that has attended the capture of the Pocket and the confidence I entertain in the loyalty, justice and magnanimity of your government induce me to abstain from making any comments or animadverting upon the conduct of those engaged in that affair in terms that my feelings would prompt.

I have the honor, to be Sir,
With high consideration,
Your Obt. Servant

ALCÉE LA BRANCHE.

Hon. R. A. IRION
Secretary of State of the
Republic of Texas.

IRION TO LA BRANCHE.

DEPARTMENT OF STATE,
City of Houston, Dec. 1st 1837.

SIR,

I have the honor of acknowledging the receipt of your communication enclosing the Commission of Mr. Stewart Newell as consul of the U. States of North America for the Port of Velasco in this Republic, and transmitting herewith his Exequatur, and also returning his Commission.

The arrival of the Consul Mr. Newell is another event in our foreign relations of the most pleasing and satisfactory character, and evinces on the part of our "Mother Country" a disposition to establish commercial relations with us, in regard to which subject this Government feels much solicitude and will promote its regulation on principles of liberality and justice.

I have likewise the honor of acknowledging the receipt of your communication of yesterday on the subject of the Brigs Pocket and Durango, and of assuring you that it will receive that prompt, candid, and decided action which its peculiar nature and importance demands of this Government.

I have the honor to be yrs.
with great consideration and respect,

R. A. IRION
Sec'y of State

Hon. ALCÉE LA BRANCHE
Chargé d' Affaires
U. States.

Grayson to Irion.[a]

Washington [City,] *Decr. 7, '37.*

Dr Sir,

At length my mind having arrived at something like a definite conclusion on the subject of annexation, I am prepared to give it, just as it is without reserve, or shading of any kind. This it is—that there is *no solid foundation on which to build a hope that the measure can now be carried.* Without going into all the particulars that might be descanted on, in relation to the matter, I will just observe that both parties here are afraid to move in the matter for fear of loosing popularity in the North—in so critical and touchy a condition are they with respect to each other. I have indeed the strongest reason to believe that some of the most prominent men of both sides of politics here are heartily in favor of annexation, and would at once advocate the measure openly and freely but for the *scare crow* to which I have alluded, the *displeasure of the North.* This is the substance of what I have to say—on the subject—That the determination is to give the question the go-by for this session, until weightier matters can be adjusted,—touching the future ascendency of the two great belligerents—the Loco focos and Whigs.

My intention is therefore to set out on my return to Texas, as soon as Genl Hunt arrives, from North Carolina where he went a few weeks ago on important business of a private character. I have reason to look for him within a day or two.

I must not forget to mention that Mr Van Buren in his message, informs Congress, that the motives of grievance on the part of this Government, with Mexico, remained as yet *wholly unadjusted;* that the *fair promises* which had been made by the latter, in July last, in answer to the special demand then made by the former, had resulted at last, in a response which only related to 2 or 3 private claims; no mention having been made of the various others of that character, or of any of those of a public character. He leaves it to Congress, to devise, *the mode*, the *time* and *manner of redress*, saying that he has exhausted all the executive powers which were applicable to the case.

From this you might suppose there would be a sort of *out break* between this Government and Mexico pretty soon. My own opinion is that the *probability is against such a result*—for the cause assigned, in regard to the paralysis of the Government, touching the first mentioned subject. Nothing is to be risked in the way of popularity, *at this pinch of the game.* A few days however will determine something more precise on this last subject.

[a] A. L. S.

On the subject of the Loan, which is now our chief and only hope as I conceive, you will have learnt by letters from Mr Burnley, that there is a good prospect of effecting it through Mr Biddle, on condition of the *Laws being altered*, so as to make the bonds more *available to the purchasers.*

These things will all be explained by Col Love who is no doubt at Houston by this time—that Gentleman having left Louisville two weeks ago for Texas, purely to attend to this very business, under the instructions of Mr. Burnley. Let me urge upon you my Dr Sir, the great importance of effecting the proposed alterations with the least possible delay. Say to Gov. Smith, that now is *the time*, for him to exert himself to put a little money in his coffers, and get rid of his "*beggarly account of empty boxes*"—and through you let me assure him and the President of the untiring exertions of Mr Burnley, through the whole summer, dancing attendance upon "purse *proud Capitalists*" arguing with and exorting them to come out like men and *do the thing* which would be as good for them, as for us.

What gives me greater confidence, that the Loan will be effected is this circumstance, that a *certain political influence* will be exerted here, to get us the money, in order more certainly *to put off the question of annexation*—which as I have said is a *bug bear.*

I confess I feel mortified that I have not received a single line from Texas since I left. I had expected that you would have written to me, occasionally, but in this it seems have been disappointed. I see by the papers, that Genl. Houston was very ill,—*his life despaired of.* Can this be? I have consoled myself with the idea, that as the most of what we see in the papers, is *false*, this *may be so* also.

My interest in regard to the Land Law remains unabated. I observe it has been under free discussion. God send it may come out something *honest* and *solid* and *good*, for upon that *our all* depends, whatever impatient speculators may say to the contrary. As I shall write once more, before leaving here, I shall here conclude, desiring you to give my respects to the President, who I insist is still alive,—Govr. Smith, Col. Bee, Collinsworth etc etc and for yourself believe

Truly Yrs.

P. W. Grayson.

Dr. Irion—

Secretary of State etc.

P. S. Nothing as yet from Henderson—at which I am a little surprised.[a]

[a] This postscript is written on the margin of the first page of the letter.

IRION TO LA BRANCHE.

DEPARTMENT OF STATE,
City of Houston, Decr 30th. 1837.[a]

SIR,

The undersigned, Secretary of State of the Republic of Texas, has the honor to inform Mr. La Branche, Charge d' Affaires of the U. States, that his communication of the 29th. ultimo, demanding of this Government in behalf of that of the U. States, payment for the Brigs Pocket and Durango, the former having been captured by the Texian Armed Schooner Invincible, on her passage to Matamoros, on the 4th of April 1836; and the latter, which was, in the month of March of the same year, pressed into the Texian service at Matagorda, has been laid before the President for consideration; by whom the undersigned is directed to say, in reply, to Mr. La Branche, that, so far as the Durango is concerned, he will recommend to Congress the propriety and justice of making an appropriation for the payment of the amount demanded.

With regard to the Pocket circumstances attending her capture, and subsequent purchase in New Orleans from E. Howes, Captain thereof, by Thomas Toby and Brother, acting as agents of this Government, are of such a nature as to render it improper for the President, without further investigation, to recommend a second payment for said vessel.

It appears from documents in the possession of the undersigned, that, on the 10th. of May 1836, in the City of New Orleans, for and in consideration of the sum of $35000 to him in hand paid By the Tobys and Bryan and Hall the said Howes, Master of the Pocket, executed a bill of sale for the said vessel to T. Toby and Brother, with which amount the said Tobys, as agents of Texas, have charged this Government.

Under this aspect of the case the question to be decided seems to be whether the acts of Capt Howes, being Master of the vessel, are obligatory on the owners.

Throughout the world the master is the accredited agent of the ship owner.

His agency does not terminate with the Capture of his vessel. He still represents the ship and Cargo, and is bound to use every effort, not inconsistent with good faith, to protect and benefit their interests.

He may arrange with the Captors and purchase the vessel, in behalf of the owners, before or after condemnation. If the capture be adjudged unlawful, he is the person to receive her after Judgment of Restitution.

[a] Wrongly dated on back by filing clerk, January 18, 1838.

The agency of the master in this case was continued in behalf of the owners, independently of receiving payment for the vessel and freight, by the most solemn act he is ever called on to perform in his official character, viz, his protest against the capture.

This document bears date the same day of the sale to the Messrs. Tobys, at which time he received full consideration for the vessel, freight, damages demurrage etc.

The Insurers in N. York should have been informed of this arrangement with the master. Had the protest accompanied this information, the Insurance Company would have given a prompt and decided refusal to any application of the assured for either a total or a partial loss.

Whether Barclay and Livingston were possessed of this information does not appear. But as regards our responsibilities in the matter it is immaterial whether they were, or were not apprized of it.

It would be most extraordinary if third parties, arranging with the general accredited agent of the assured, as the owners of the vessel, were responsible for the faithful application of funds committed to his hands in the regular course of his agency, or for losses resulting from his bad faith, or inattention. The demand on the Insurance office does not appear to have been paid by any document presented to the undersigned. It is also inferable from the deposition of the President of the Insurance Company that it was suspended for investigation.

If the payment to the master, made as it was in perfect good faith, and for the benefit of those concerned, were known to the Company, it is presumed, that it would at once silence all claims on their part upon this Government.

The accompanying documents marked A. and B. are copies of the bill of sale of the Pocket, executed as aforesaid, by Capt. Howes to the Messrs. Tobys, and the relinquishment of all claims against the Government of Texas on account of said capture.[a]

Should other evidence be desired by Mr. LaBranche to prove that the purchase was made as set forth in those documents, and for the purposes alleged, the undersigned will take great pleasure in procuring it with as little delay as possible.

In relation to the money and property said to have been taken from the trunk of Taylor by Damon, amounting in all to eight hundred dollars, the President will recommend to Congress its payment in full.

The President regrets that the near approach of the adjournment of the late session of Congress, and the accumulation of business during the latter part of that session rendered it impracticable to have

[a] These documents have not been found.

the subject acted on before the adjournment; and directs the undersigned to state to Mr. La Branche, that the whole matter will be laid before Congress early in the next session, which will commence on the second Monday in April next, with such recommendations as will, it is hoped, bring the negociation to a conclusion satisfactory to all parties concerned.

With respect to the indemnity for injuries inflicted on individuals captured with the Pocket, although this Government views such conduct with indignation and horror, yet, in this case, there are some extenuating circumstances of which Mr. La Branche is not aware, that the undersigned will communicate to him at any time when he may desire an interview on this subject.

The undersigned avails himself of this occasion to renew to Mr. La Branche assurances of his high consideration and respect.

R. A. Irion.

Hon. A. LaBranche
Charge d'Affaires of
the U. States.

Irion to Hunt.

Department of State,
City of Houston, Decr. 31st 1837.

Sir,

I have the honor of acknowledging the receipt of your despatch No. 27, a copy of the correspondence between the U. States and Mexico in relation to Texas, and a copy of the Journals of the House of Representatives, which I find very interesting.

I regret the presentation of so many petitions against Texas from the North Eastern States. I had anticipated opposition from that quarter, but did not suppose it would be so determined and uncompromising in its character.

The policy of those States has generally been characterized by a disinclination to extend the territory of the U. States to the South West, and judging from recent demonstrations that feeling will probably continue, *if we have to exist separately*, until, pursuing the destiny indicated to us by that significant and beautiful emblem of our nationality, the evening star, inviting alluringly westward the unavoidable accession of *star* after *star* to our Banner, this now small Republic will embrace the shores of the Pacific as well as those of the Gulf of Mexico; presenting to them the spectacle of an immense cotton and sugar growing nation in intimate connection with *England*, and other commercial and manufacturing countries of Europe,

whose relations shall have been permanently adjusted on equitable principles of reciprocal interest; when, they perchance, in reminiscence, recur[ring] to their policy of the present times, may have to deplore the loss of that ascendancy in manufacturing and the carrying trade that they now so triumphantly enjoy, and which could be rendered perpetual by a different course of policy.

The first object of the people of Texas, after having emancipated themselves from Mexican tyranny, was, to restore to [the] U. States the extensive and valuable domain which had once been hers, and enjoy peace, security and happiness on the soil which they have reclaimed from savages and the wilderness, under the laws and institutions of the country which gave them birth.

This feeling, you know, was not prompted by any fear of a reconquest by Mexico. No Texian since the battle of San Jacinto has distrusted, for a moment, our capability to maintain our independence; and the experience of every day attests the truth of that conviction.

All the Departments of the Government are now in harmonious operation. The Second session of the second Congress adjourned on the 19th. instant.

Our financial system is established on a footing calculated to give satisfaction to all classes of creditors, and the collection of Taxes is every day absorbing the public debt.

The impost laws have been amended so as to render them more equal in their operation, and less onerous in respect to particular articles.

The land laws have been amended and the General Land Office is to open on the first thursday in February next, for the location of land.

Connected with the latter subject is the unsettled boundary line between the U. States and Texas.

Congress was called together in September last in consequence of the remonstrance of Mr. Forsyth, against the authorities of this Republic establishing land offices in the Counties on Red River, which are under the civil jurisdiction of Arkansas. This matter is one of serious import to Texas at the present time, for it appears that the citizens of that border are determined to organise under the authorities of this Republic, which, from the tone of Mr. Forsyth's communication, I am apprehensive, may occasion unpleasant collisions in that quarter, and perhaps lead to a disagreeable controversity [sic] between the two Governments, which would, under existing circumstances be a most unfortunate event for us, and should, if possible, be prevented.

The remonstrance of the U. States was communicated to the Senate, which body adopted a report authorizing and requesting the Presi-

dent to appoint a commissioner, in conjunction with one on the part of the U. States, to run and mark the line in conformity with the existing treaties between Mexico and that Government on this subject; limiting their operations, however, for the present, to the location of the line from the mouth of the Sabine to the 100°4th of west longitude from London, on the Red River.

In accordance with this report the President, by and with the advice and consent of the Senate, has appointed Shelby Corzine Commissioner on the part of this Government to run said line. The country through which it will pass is rapidly settling, to whose inhabitants the uncertainty of the boundary is a source of much vexation, and seriously impedes improvement, as well as the administration of justice.

It is hoped that the U. State's Government will not further postpone the appointment of a commissioner; and I am directed by the President to instruct you to solicit again said appointment. The fixation of this line is the more necessary, inasmuch as the prospect of immediate annexation is so very remote as hardly to be considered in the range of possibilities.

Annexation with respect to ourselves alone is now a question of more embarrassment than heretofore. From indications evinced by members of the late session of the Texian Congress the people are becoming less anxious for the success of the measure.

The prompt and decided refusal of the Government of the U. States to act in favor of the proposition, has had a tendency to fix the opinions against admission of those who were wavering on the subject. So great has been the change in public sentiment that it is probable should the vote be again taken at the next September election that a majority would vote against it.

Therefore, I do not believe that any future administration will attempt such a negotiation.

Under those circumstances you will perceive at once that the delay recommended by our friends in the U. States will defeat altogether, and forever, the objects of the proposition.

This result of the negotiation, however, only postpones our prosperity, for, the difficulties of building up and sustaining a Government, though great, will be overcome by the chivalry and enterprise of our citizens.

Fresh vigor will be imparted to every arm when it is distinctly and generally understood through out the Republic that annexation is impracticable.

The President desires that you will treat this subject for the future with great delicacy.

It is proper for our diplomatic representatives at the present time to observe a modest, prudent, yet firm course; being always careful

not to afford grounds of offence to the Governments to which they are accredited. To be always ready to co-operate with the known friends of our cause, and act cordially with them in the promotion of measures calculated to advance our interests.

In the present aspect of the question of annexation it seems there is but little for you to do, more than to watch the movements in Congress relative thereto, should there be any, and render any proper assistance to members of that body who may be advocating the measure.

That Government having refused to negotiate with you as the accredited agent of this for admission, the latter, therefore, conceives, inasmuch as the correspondence has been published, that the matter is now in the hands of Congress of that Republic alone; and unless it should be brought up for consideration by them it is not contemplated by this Government to renew the application in any form.

Should a resolution be passed by the U. S's. Congress authorising that Government to enter into a negotiation for the annexation of Texas, the instructions heretofore given are deemed sufficient for your guidance therein. You are aware that no treaty can be binding on this Government till ratified by the Senate thereof.

Since my despatch of the 20th. of September our indian relations have undergone important changes. During the spring and summer there was a decided feeling of hostility entertained by most of the tribes within our limits towards the people of Texas. This feeling they manifested by frequent depredations on our frontiers. Many of those indians emigrated in violation of the treaty between the U. States and Mexico.

More recently our indian commissioners have concluded treaties with several tribes and report that there now exists a disposition among them generally to make a permanent and general peace; and it is hoped that, that desirable object may be attained within the next three or four months.

What influence the Mexican emmissaries, who are dispersed among the indians, and the authorities of Matamoros, operating through their friends, the Cherokees, may have is entirely conjectural; and it is impossible to foresee with any degree of certainty the consequences of their exertions.

Since that date Col. Coffee has also visited this city, and made satisfactory explanations to this Government, relative to the influence which his trading establishment, on Red River, exercises over the indians in that quarter. Owing to those changes in our indian affairs it is the wish of the President that you will let this subject rest for the present.

On the 3rd. of October our Commissioner near the Courts of St. James and St. Cloud, was at Liverpool, who expected to arrive in

London on the 8th, two days prior to the assembling of Parliament. We are daily expecting despatches from him.

Col. Grayson has been appointed Navy Agent for the purchase of a fleet for this Government which will prevent his return. Say to him that the aspect of things generally is much more favorable than at the time of his departure, and make to him my best compliments. Unfortunately I did not receive his letter of the 7th. inst. till after the adjournment of Congress. I think that body would not hesitate to autho[r]ise the proposed alteration in the Bonds. They convene again on the second Monday in April next.

The President's health is yet feeble, but improving.

I have the honor to be,
very respectfully, Your
obt. Servant,

R. A. Irion.

Hon. M. Hunt,
Minister Plenipotentiary
of Republic of Texas.
Washington City D. C.

P. S. The copies of your correspondence with Mr. Forsyth mentioned as having been sent to me, have not been received.

La Branche to Irion.[a]

Legation of the United States,
Houston 13th. January 1838.

Sir,

Having been informed that land offices are about to be opened within the territory under the jurisdiction of the United States on Red River, and that commissioners for that purpose have been duly appointed under authority of the government of Texas, notwithstanding the remonstrances of the Honble John Forsyth, Secretary of State of the United States, it becomes my duty, in the name of the government I have the honor to represent, to protest, as I now do solemnly protest against such encroachment on said territory.

Confiding in the high recitude of his Excellency, the President, I trust that upon your communicating this protest to him, he will take such measures as the exigency of the case requires.

I pray you to accept, sir, the assurances
of my high consideration.

Alcée La Branche.

To
The Honble R. A. Irion
Secretary of State of the Republic of Texas.

[a] A. L. S.

LA BRANCHE TO IRION.[a]

LEGATION OF THE UNITED STATES
Houston, 15th January 1838.

SIR,

Having seen published in "the Telegraph" of the 13th Instant, an act to define the boundaries of the County of Red River, which act is not only to define, but organize said county, I have the honor, with due respect, to request you to inform me whether said County to be so organized, does not comprehend the territory or any portion thereof, alluded to by the Honorable John Forsyth in his Remonstrance to the government of Texas. The apprehensions I feel upon this matter, induce me to make the present inquiry, to which, I trust, you will give an immediate and explicit answer.

Be pleased, Sir, to accept the assurances of
my high and distinguished Consideration,

ALCÉE LA BRANCHE

To the hon. R. A. IRION,
Secretary of State
of the Republic of Texas.

IRION TO LA BRANCHE.

DEPARTMENT OF STATE,
City of Houston, Jany. 16th, 1838.

SIR,

The undersigned Secretary of State of the Republic of Texas, has the honor hereby to acknowledge the receipt of Mr. La Branche's note of yesterday, requesting "immediate and explicit" information relative to an act passed during the late session of the Congress of this Republic, entitled "an act to define the boundaries of Red River County," which was published in the Telegraph on the 13th. instant.

In reply, the undersigned, having carefully examined the remonstrance of Mr. Forsyth in reference to the locality of said County, has the honor to inform Mr. La Branche, that the limits designated in the above named act do include the territory indicated in that remonstrance as being in the occupancy, and under the civil jurisdiction of the State of Arkansas.

The undersigned embraces this occasion to renew to Mr. La Branche assurances of his distinguished consideration and respect.

R. A. IRION

Hon. ALCÉE LA BRANCHE,
Chargé d' Affaires of the U. States
to the R. of Texas.

[a] L. S.

La Branche to Irion.[a]

Legation of the United States,
Houston 16th. January 1838.

The Undersigned has the honor to acknowledge the receipt of a letter from the Honble R. A. Irion, Secretary of State of the Republic of Texas, in reply to a communication, addressed by the Undersigned, upon the subject of an act defining the boundaries and organizing the county of Red River.

The Honble Secretary informs the Undersigned that said county includes the territory in the possession and under the jurisdiction of the United States:

And whereas, the organization of said county, as set forth by the Honble Secretary of State, under the laws of the Republic of Texas, is in direct violation of the rights of the United States:

The Undersigned, Chargé d' Affaires of the United States, in the name and on behalf of said government, does protest, solemnly protest against this and all measures whatever, injurious to the said United States, on the part of the government of Texas; renewing the protest already made by him, against the establishment of land offices in said territory, and solemnly reclaiming against the exercise of any powers over the territory aforesaid, by the government of Texas, incompatible, or conflicting with the just powers and authority of the United States.

In making this protest, the Undersigned cannot refrain from expressing surprise at these proceedings on the part of the govnt. of Texas, and that so little regard has been shown for the remonstrance of the government of the United States conveyed with a desire to prevent all difficulty until the settlement of the boundary between the two countries would have determined their respective limits. But so far from complying with the just requisition of the United States, the government of Texas has given further cause of complaint by actually organizing the territory and placing it immediately under her jurisdiction. These encroachments, the govnt of the United States will not allow, and the Honble Secretary must be well aware how eminently calculated they are to produce deplorable results.

The Undersigned requests the Honble Secretary to lay this protest and reclamation before the President, feeling convinced that his Excellency will pursue such measures as will comport with the sentiments of amity and perfect harmony betwen the two governments; thus obviating a resort to steps that may devolve upon the United States, should the government of Texas persist in extending her authority over said territory.

[a] A. L. S.

The Undersigned assures the Honble Secretary of State of his great consideration and respect,

ALCÉE LA BRANCHE

To

The Honble R. A. IRION

Secretary of State of the Republic of Texas.

HUNT TO IRION.[a]

Despatch No. 29.

TEXIAN LEGATION,
WASHINGTON CITY,
January 31st. 1838.

SIR,

Nothing of very especial moment, relative to the concerns of this Legation, has occurred, since the date of my last despatch, of November the 15th. and I have been deferring this communication from time to time, in order that I might have something definite to communicate to you in regard to the probable success of the negotiation for the annexation of Texas to the United States. Moreover, as Col. Grayson was thoroughly acquainted with the situation of our affairs here, I relied upon his giving you a detailed account of every thing upon which you might wish to be informed, and deemed it unnecessary to trouble you with a communication on paper of matters, which he could so much more satisfactorily communicate to you in person. I think I can now address you with a full understanding of our prospects on the subject of the negotiation. The views of this administration have been thoroughly sifted, and unless I am greatly mistaken, clearly ascertained. The general feeling in Congress too, I shall be able to communicate to you with every confidence in its accuracy. Ardently as I have desired the accomplishment of the measure and unwilling to abandon hope so long as there remained the slightest prospect of success, I can no longer repel the conviction that the measure is utterly impracticable under existing circumstances.

In regard to the attitude and disposition of this administration upon the subject of the admission of Texas into this Union, the simple truth of the matter is as follows. That the government of the United States is anxious for the accomplishment of the measure, there does not and cannot exist a shadow of doubt. It has been their settled and uniform policy to get possession of Texas for the last twelve years. See the instructions of no less than four Secretaries of State, Mr. Clay, Mr. Van Buren, Mr. McLane and Mr. Forsyth to their Ministers in Mexico, between the years 1825 and 1835. I will venture

[a] Signature (as well as letter) written by Fairfax Catlett.

to say, that there is no man personally more anxious for it than Mr. Van Buren himself. Mr. Forsyth, Mr. Poinsett, Mr. Kendall all desire it. But hampered as they are by their party trammels on the one hand, and their treaty obligations with Mexico on the other, by the furious opposition of all the free States, by the fear of incurring the charge of false dealings and injustice, and of involving this country in a war, in which they are now doubtful whether they would even be supported by a majority of their own citizens, and which would be at once branded by their enemies at home and abroad as an unjust war, instigated for the very purpose of gaining possession of Texas and for no other, they dare not and will not come out openly for the measure, so long as the relative position of the three parties continues the same as it is at present. Such is the disposition and such the actual situation of this government in regard to the subject of annexation.

So long as the relations of the three parties continued as they were at the time the proposition was made, (and as they still are) the voluntary consent of Mexico was regarded by the United States as a necessary condition precedent to the admission of Texas;—and as that consent could not reasonably be hoped for under existing circumstances, it was deemed indispensable that such a material change should be brought about in their relative positions, as would either justify the United States in admitting Texas without the consent of Mexico or reduce the latter into such a situation, that she would no longer hesitate to yield her consent to the measure. Either of which alternatives would have ensured its easy and speedy accomplishment. When I last wrote to you, I was sanguine in my hopes that such a change would be speedily effected by the United States declaring war against Mexico, of which at that time there was a strong probability, and in which event, one of the greatest obstacles in the way of annexation would have been removed, and I entertained a belief that matters might then be so managed as to make the Rio Grande the South-Western boundary of the United States, with a due regard to the rights and claims of Texas. I had every reason at that time to believe that there would be a war, abundantly justified as the United States would have been in declaring it by the repeated injuries and insults, which they had sustained at the hands of Mexico;—nay, imperatively called upon as many of the administration thought they were to vindicate the insulted honor and dignity of their country. Moreover, I had received positive assurances from leading men of that party, that the administration was determined to recommend a peremptory course towards Mexico and, in event of a declaration of war, I did not doubt of their hearty cooperation with me in effecting the object of annexation;—not that the war would have been brought about for the purpose of obtaining Texas, but that peremptory meas-

ures from other motives ought to be adopted in respect to Mexico, and in event of their being adopted the measure of annexation would then become one of comparatively easy accomplishment. The President, accordingly, in his message to Congress, at the beginning of the session, came out openly and explicitly upon the subject;—but an alarm was immediately raised by some of the members of the opposition, and he was openly charged in Congress by Mr. Adams with desiring to bring about a war with Mexico, not to vindicate the honor of the country and redress the injuries, which she had sustained, but for no other purpose than to secure the acquisition of Texas. Since then, the popular feeling upon the subject of a war has been, in some degree, tested, and it has been pretty well ascertained that a war at this time would not be a popular one. At present, there is little or no probability of its taking place at all;—and even though it should take place, I doubt whether it would aid us much in the accomplishment of our object as the fear of being charged upon very plausible grounds with having brought it about for unjust purposes, and the timidity of a falling administration would prevent it from acting with requisite decision and assuming the necessary responsibility.

I would now beg leave to express my earnest desire to be recalled. For many reasons, I am anxious to return immediately to Texas, and trust that the President will not deem my request untimely or unreasonable, after having devoted two years almost exclusively to the interests of my adopted country. The business of the Legation is now in a fair train; and what remains to be attended to can be very well accomplished by others. The Legation itself is on a highly respectable footing and ranks with the other Legations in this City. At the same time however, that I avow my extreme unwillingness to remain here any longer, I would not be thought to have put selfish considerations in the balance with the interest of Texas, and should the President deem it *necessary* that I should remain here a month or two longer for the accomplishment of any specific object, I shall not hesitate to comply with his wishes. I repeat my conviction that it would be useless to push the matter of annexation any farther. I believe that it would be derogatory to ourselves to insist upon it any longer. If the United States desire Texas, the proposition should now come from them. Our true policy now, in every aspect of view, is to appear indifferent upon the subject, and leave it for this government to solicit of us the consummation of a measure, which, I am well assured, will be the more desired by them, the less solicitous we appear about it ourselves.

In Congress, the general feeling upon the subject is like that of the Executive. Many of our warmest friends in that body regard the measure as beset with insurmountable difficulties, and both friends and enemies are afraid of the question. Mr. Calhoun made an in-

effectual effort a short time since to bring it up in the Senate; his resolution, embracing indirectly the expediency of the measure was laid upon the table by an overwhelming majority. Mr. Preston's resolutions, affirming the right and expediency of making the Rio Grande, the South Western boundary of the United States, with the consent of Texas, are set for the first Monday in February, but my full and decided impression is that they will likewise be laid upon the table. In the course of a confidential conversation, which I had with Mr. Clay, a few days since, he assured me that he was friendly to the annexation of Texas, but that in his opinion, the time had not arrived when the question could be taken up in Congress with any probability of success. Petitions upon petitions still continue daily pouring in against us from the North and East.

In short, it is not to be disguised, that many of our friends as well as enemies in Congress dread the coming of the question at this time, on account of the desperate death-struggle, which they foresee, will enevitably ensue between the North and the South;—a struggle involving the probability of a dissolution of this Union and in which the friends of annexation would contend under every possible disadvantage.

Nor is it to be concealed, that the matter has been thrown into the back ground for the present, as it were by common consent, and that in the existing state of transition, in which parties appear to be, leading men are principally engrossed with their own personal safety, position and prospects. The administration party are in a tottering condition and are struggling hard to save themselves from falling. On the other hand, the whigs are pressing on, with all their energies bent upon the overthrow of their adversaries. Texas and every thing else [is] forgotten in the struggle. We have friends and enemies on both sides, and neither party are willing at this time to embarrass themselves with a question, which would necessarily disunite them, and produce confusion in their respective ranks.

In regard to the running of the boundary line, I have had an additional conversation with Mr. Forsyth, in which he again insisted upon the Neches, as the true eastern limit of Texas; although I had invariably declared, and again took occasion to say, that the words of the treaty of 1819 were too explicit to admit of so forced a construction, and that the Sabine River, referred to in the treaty, was the identical stream, to which we claimed and the same that was laid down upon Mellish's Map of 1818;—and that by no manner of means would the government of Texas renounce its claim to a portion of territory, to which it was so clearly entitled by the specific and express words of the treaty itself. I repeated the desire of my government to have the line run immediately as far as the Red River and no further at present. He asked me how far West we contemplated running our

northern boundary. I unhesitatingly replied, as far as the Pacific Ocean. He insisted upon making the operation a single one and running the line the whole distance, and although I repeated the disinclination of the government of Texas to have it run further than the Red River at present, and urged the inutility as well as inexpediency of running it farther, he persisted in saying that the whole had better be run at the same time and stated, that unless the government of Texas was positively bent upon having its eastern limits established at this time, the President greatly preferred that it should remain open for the present. He moreover said that we must agree to protect the commissioners and surveyors;—to which I replied, that if he would undertake to secure them from the indians, I thought I could guarantee that they should not be molested by the Mexicans. He then asked me if I had obtained a full power from home to make a treaty for the establishment of the boundary. To which I was compelled to answer that I had not—(as I had received no separate power since the departure of Col. Wharton.) I herewith transmit you a copy of the customary form of a full power and beg leave to suggest whether it would not be advisable to send one in this form excluding limits and annexation to Genl Henderson, also to guard against any obstacles arising in the way of his negotiations in England on the score of informality.

Form of a full power.

Sam. Houston, President of the Republic of Texas.

To all to whom these presents shall come, Greeting:

Know ye, that for the purpose of confirming between the Republic of Texas and the Government of the United States perfect harmony and good correspondence, and of removing all grounds of dissatisfaction, and reposing especial trust and confidence in the integrity, prudence and ability of (Memucan Hunt,) appointed Minister Plenipotentiary of the Republic of Texas, near the said Government of the United States, I have invested him with full and all manner of power and authority, for and in the name of the Republic of Texas to meet and confer with any person or persons duly authorised by the said Government of the United States, being furnished with like power and authority, and with him or them to agree, treat, consult and negotiate of and concerning Amity, Commerce, Navigation, annexation and limits between the two countries, and of all matters and subjects connected therewith, and to conclude and sign a treaty or treaties, convention, or conventions, touching the premises, transmitting the same to the President of the Republic of Texas for his final ratification, by and with the advice and consent of the Senate of the Republic of Texas,

In testimony whereof I have caused the seal of the Republic of Texas to be hereunto affixed. Given under my hand at the City of Houston the day of and of the Independence of the Republic of Texas the

SAM HOUSTON

By the President
R. A. IRION
Secretary of State.

Dr. Smith has not yet arrived with the Despatches in his care, though I am daily expecting him. I shall probably write you again shortly after his arrival.

Genl. Henderson writes in good spirits of our prospects in England.

Since writing the above, I have learned that a change is to be made very shortly in the Cabinet. I was informed by one of the gentlemen going in, should such a change occur, that until within the last day or two, this government had entertained no serious apprehension of a treaty being made between Great Britain and Texas, but that having recently ascertained that there was a great probability of such an event, they have become seriously alarmed upon the subject, and I was agreeably surprised to learn, that the President was determined to arrange the New Cabinet in such a manner as to have a majority of its members in favor of the *immediate* annexation of Texas to the United States. He also expressed his conviction that in event of such a change being made, a treaty of annexation could certainly be concluded in the course of a few months and ratified before the end of the present session of Congress. It will not be very long before I shall be enabled to ascertain beyond a doubt, whether the hopes thus newly raised may be reasonably encouraged or not. Should I find that there is a good prospect of their being realized, I shall inform you of it without delay and commence operating with renewed alacrity. In consequence of this information I would beg leave to modify my request to be recalled, and desire that the President will leave it discretionary with me in the recall, to remain until a treaty of annexation is concluded, should the negotiations be opened anew.

I have the honor to be
with distinguished regard
your obt. sv't.

MEMUCAN HUNT

To,
Honorable
R. A. IRION,
Secretary of State

Hunt to Irion.[a]

Despatch No. 30.

Texian Legation
Washington City
Feb'y. 3d 1838.

Sir,

I am truly gratified at being enabled to state to you, that I have received additional information since my last despatch, (numbered 29, of date 30th January,) which increases my belief that this government is on the eve of commencing in good earnest the most active steps for the accomplishment of an annexation of our country to the United States. Whilst at the Capitol on yesterday, I was informed by Mr. Calhoun in the strictest confidence, saving however the privilege of communicating the information to you, that this government was considering the policy of despatching a private mission to Mexico, to treat for her acquiescence in any negotiations between Texas and this Government relating to annexation, and that there was little doubt as he had just been informed in a note from a member of the Cabinet of a favorable result, as very satisfactory information had been received, affording good grounds for the belief that such a mission would be attended with immediate success. I am to have another private interview with Mr. Calhoun to day or to-morrow, and if any additional assurances are given me, I will communicate them to you without delay.

Wonderous changes indeed have occurred on this subject, within the last week. From almost entire despair, our hopes may be considered bright. Mr. Calhoun had given up all hope one week ago, and now he thinks there are good grounds for the belief that it will be speedily accomplished. I had been induced to inform the Secretary of State, that I should ask of my government a recall, and it is generally believed in this City that I will take my departure in two months. To this circumstance, I merely attribute the apparently earnest action of this government, favoring the accomplishment of my mission.

You shall hear from me very often so long as the prospects continue favourable for the accomplishment of my mission.

Dr. Smith has not yet arrived.

I have the honor to be
Your obedient servant,

Memucan Hunt.

To,
The Honorable
R. A. Irion
Secretary of State

[a] L. S.

IRION TO LA BRANCHE.

DEPARTMENT OF STATE
City of Houston, Feb. 13th. 1838.

The undersigned, Secretary of State of the Republic of Texas, has the honor to acknowledge the receipt of the two communications of the honorable Mr. La Branche, Charge d'Affaires of the U. States, dated 13th. and 16 ultimo, protesting against the acts of the late Congress of this Republic, organizing a county on the south side of Red River, and establishing a land office therein, which includes a portion of territory that has been under the civil jurisdiction of the State of Arkansas.

On his return from the Bay those communications were presented to the President for consideration, whose absence and other unavoidable causes have prevented an earlier reply.

The President directs the undersigned to state to the honorable Mr. La Branche that the difficulty referred to in his communications originated from the circumstance of the undefined boundary line between the two Governments; a subject which the President has regarded with great solicitude ever since the separation of Texas from Mexico, and anticipating the evils which such a state of things would produce, he has, from time to time, respectfully urged the U. States Government to authorize, by the appointment of a Commissioner, the final demarcation of the said boundary line, in accordance with the treaty of limits which existed between that Government and Mexico prior to the revolution between the latter Power and Texas.

The President sincerely regrets that the Government of the U. States has thought it expedient to postpone the fixation of that line, and, although he has uniformly endeavoured to pursue such a course as would prove acceptable to that Government, he thinks, under existing circumstances, its refusal to enter into any arrangements relative thereto, when viewed in connexion with some unwarrantable acts of its Agents on Red River hereinafter to be named, affords some apology for the course taken by Congress to organize that disputed territory under the particular laws which were enacted for that purpose.

As an evidence of the President's desire to preserve harmony between the two countries when the remonstrance of Mr. Forsyth was received he unhesitatingly assumed the responsibility of suspending the law passed in 1837, which contained the same provision with regard to Red River County as the one indicated in the remonstrance referred to, passed in December 1836, by refusing to appoint the officers necessary to carry it into effect on the first of October of the same year as therein provided; and issuing a Proclamation convening a special session of Congress on the 25th. of September, in order that

they might adopt such measures as they conceived best calculated to remove the causes of the prospective difficulty.

Copies of that Proclamation and his Message to the special session of Congress on the subject of the aforesaid boundary, (Doc. A.[a] and B.[b]) are herewith transmitted, which will explain the views of the Executive at that time.

Congress met in conformity to the call of the President, and anterior to the 1st. of October passed a joint Resolution suspending the operation of the land law till further action thereon, thus sustaining the President in the course which he had taken. Immediately thereafter the Senate by a Resolution authorized the Committee on Foreign Relations to apply to the Secretary of State for information respecting the correspondence between the two Governments on the subject of said boundary. The report of that Committee was adopted, a copy of which (Doc. C) is herewith transmitted; and in accordance with its provisions the President, by and with the advice and consent of the Senate, appointed Shelby Corzine commissioner on the part of this Government to run and mark said line, which appointment was communicated to the Minister of Texas near the Government of the U. States, with instructions to renew the application for a corresponding appointment by that Government; stating to him in general terms what had been done by Congress, and suggesting what would probably be the result in the event of his failure to induce that Government to make the appointment without delay.

The result of this application is yet unknown to the undersigned, but it is hoped, however, that it will be more successful than the former ones.

From the foregoing statement the honorable Mr. La Branche will perceive that the President has employed every means within the range of his prerogative to preserve friendly relations between the two Governments; and to avert a controversy which he foresaw would grow out of this question unless the line could be legally designated before the people inhabiting the disputed territory should commence organising under the laws of this Republic.

The honorable Mr. La Branche intimates that it is within the competency of the President as the chief Executive officer of the Government to suspend the law organizing Red River County, and the land office therein, as he did that against the execution of which Mr. Forsyth remonstrated. The two cases on examination will be found materially different.

In the latter, the law was to go into operation at a stated period, the appointment of officers necessary for its execution, by its provi-

[a] The proclamation, which is dated August 10, 1837. See Records of the Department of State (Texas), Book 37, p. 10.

[b] The message. See Calendar.

sions, devolving on the Executive, which not being made it remained inoperative till Congress convened.

In the former, Congress passed the laws and elected the officers required to carry them into immediate effect. The peculiar circumstances connected with this subject and the singular predicament of both Governments relative thereto, would seem to render it proper at the present time to enquire into the right under which the respective parties claim the occupancy of the aforesaid territory.

As early as the year 1824, anterior to the settlement in that quarter, several hundred Shawnee Indians who had yielded their possession on White River, wishing to remove beyond the boundaries and jurisdiction of the U. States, petitioned the Supreme Government of Mexico through the State Government of Coahuila and Texas, for a grant of land on the south west side of Red River, near Pecan Point, which proposition, after having been fully discussed at Saltillo and Mexico, was finally rejected solely on the ground of its inexpediency; that Government not doubting that the land sought by the Shawnees was clearly within the limits, and subject to the disposition of the Mexican Government.

The Supreme Government of Mexico and that of Coahuila and Texas, in 1826, granted Gen. A. G. Wavel, through his attorney Baron de Barstrop,[a] that disputed territory, authorising him to settle four hundred and fifty families therein.

Under said contract Col. Milam, the Agent of Wavel, proceeded to organize a land office, executed surveys of the country and was prepared to extend tittles [sic] to the settlers, when the Government of Mexico, prompted by a jealousy against North Americans, passed on the 6th. of April 1830, the famous decree, prohibiting imigrantion [sic] from the U. States, in consequence thereof, Milam's Commissioner, when on his journey to said colony legally authorised to issue titles to the settlers as above stated, was arrested at Nacogdoches by the centralist Commandant of that post in December of the same year, thus defeating for the time the enterprize of Wavel.

The last session of the Congress of the State of Coahuila and Texas in the spring of 1835, shortly prior to the rupture between Mexico and Texas, appointed Col. Milam Commissioner to issue titles to the settlers of Wavel's Colony. His capture and imprisonment, and the momentous events that immediately followed his release, in which he engaged, ending his career gloriously as the leader of the Texian forces at the siege of San Antonio in December 1835, terminated the efforts to settle said colony under the colonization laws.

Those transactions were of public notoriety, yet the Government, of the U. States did not remonstrate against them to the Government of Mexico.

[a] Bastrop.

Mexico invariably acted on the ground that the territory comprehended in the limits of Red River County was within her limits; to which position the U. States appear to have yielded, at least, a tacit consent; and the undersigned is not aware of any treaty stipulation which concedes to the U. States the civil jurisdiction thereof.

Mexico at one time had a military force at the "Spanish Bluffs" on Red River to which the U. States did not object.

Moreover, in February 1836, the citizens of Red River County elected and sent members to the Convention which declared our Independence and adopted the Constitution, the latter instrument guaranteeing to them seats in the legislative assemblies of this Republic, which was published to the world.

No remonstrance against this provision on the part of the U. States has come to the knowledge of the undersigned.

Every act of Mexico, the Congress of Coahuila and Texas and the Congress of this Republic in relation to that territory evinces a full conviction on their part, that the territory on Red River west and south of the junction of that stream and the Sulphur Fork is within the limits of Texas; in which opinion the U. States seem, until recently, to have acquiesced.

It appears that the claim of the U. States to the civil jurisdiction over the territory in question rests principally on the right which a temporary occupancy confers, for there never has been sufficient neglect on the part of the Mexican authorities to organize the settlements on that border to create the slightest shadow of right founded on any acknowledged principle of prescription.

On the contrary they have from time to time taken all the preliminary steps to establish that country into a municipality, which was prevented by the commotions and disappointments incident to a state of revolution.

Under existing circumstances the hon. Mr. La Branche will perceive that the only agency the President can legally exercise to avert the threatened collisions near that boundary is to facilitate as much as possible the running of the line; which, let the delay in respect to the defination of that bound [sic], both before and since the separation of Texas from Mexico, have originated from what cause it may, is now absolutely necessary to prevent the "deplorable results" to which Mr. La Branche alludes in his communication of the 16th. ultimo; and the President, impressed with a full confidence in the good faith and justice of the Government of the U. States, indulges the hope, that it will immediately authorize the designation of said line; and directs the undersigned to request Mr. La Branche to lay the subject before his Government, in order that arrangements may be made to carry the treaty of limits into effect.

The treaty of limits which existed between the U. States and Mexico at the date of the declaration of Texian Independence having the validity of a public law, this Government, succeeding to the benefits thereof, has never deemed a convention necessary to confirm the stipulations therein contained so far as may relate to the boundary in question.

The country through which the line will pass is now rapidly settling by an active and enterprizing population, whose condition is rendered extremely unpleasant and ambarrassing by the uncertainty which exists in regard to the true boundary. Whilst such a state of things continues this Government cannot enforce its revenue laws, neither can it make suitable preparations for the defence of that frontier; a large portion thereof lying contiguous to the American Indians, who manifest a constant desire to emigrate to Texas, and many of whom have already removed hither regardless of the treaty stipulations which prohibit it.

The conduct of the Cadoes is a practical illustration of the anxiety of the border Indians to establish themselves in Texas which subject being collatterally connected with the boundary, the President directs the undersigned to state to Mr. La Branche, that some three years since, shortly after the Government of the U. States purchased from those Indians the lands which they occupied in the vicinity of Red River, and about the commencement of our revolution with Mexico, they began openly to emigrate to Texas, which they effected without any attempt on the part of the U. States Agents in that quarter to restrain them; and, that in March 1837, at the time when the Indians with whom the Cadoes have amalgamated, were desolating our most defenceless and unprotected frontiers, an Agent of that Government on Red River furnished a party of that tribe with considerable quantities of *powder* and *lead*, knowing their intention to set out immediately thereafter for Texas, thus completely prepared for war.

This course is the more surprising inasmuch as the conditions of the 33rd article of the treaty of Amity, Commerce and Navigation between the U. States and Mexico, were proposed by the Minister of the former Power, shewing clearly that it was the desire of his Government to restrain the border Indians from injuring, or in any manner molesting the Mexicans.

The President also directs the undersigned to state to Mr. La Branche that, in May last, when the North American Indians located in Texas were generally hostile to the citizens thereof, two officers of the U. S. Army entered Texas for the purpose of ascertaining the conduct and disposition of the said Indians residing near the border in question, instead of applying to the authorities of this Country for the information desired, they visited the Cherokees, and from the statement of their wily Chief (Bowl) became satisfied, it seems, that

those Indians were innocent of any hostile intention against the inhabitants of Texas.

The President was unapprised of the visit of those officers till several months had elapsed at which time he was incidentally informed of the fact by a letter from that quarter.

Had they applied to this Government abundant evidence of the most unquestionable character would have been adduced, shewing conclusively that the Cherokees, as well as other bands with whom they are allied, had, at that period, agents of their own tribes at Matamoros negotiating with the Mexican authorities for a participation with them in the war against us whenever Mexico should invade Texas.

It is hoped, if the Congress of Texas have erred in the law they have passed so far as it respects the aforesaid territory Mr. La Branche will readily perceive that the error into which they have incidentally fallen is one over which the President is invested with no powers of control. The undersigned embraces this occasion to renew to the honorable Mr. La Branche the assurances of his distinguished consideration and respect.

R. A. IRION.

Hon. A. LA BRANCHE
Chargé d'Affaires of the U. States.

[Doc. C.]

Report of Committee on Foreign Relations.[a]

The Committee on foreign Relations to whom was referred so much of the Presidents Message as relates to the Northern and Eastern boundary line of this Republick Beg leave to Report.

That, from information laid before them by the Secretary of State in obedience to a call of the Senate, they regret to state that considerable difficulty exists on account of a portion of Territory on Red river being claimed by the Republick of Texas and also by the United States of the North.

This difficulty has originated in the fact that the Meridian commencing at the Point where the 32d degree of North latitude strikes the Sabine and running north to the Red River of Natchitoches has not as yet been Legally designated and surveyed out, by the Authority of the two Governments and which difficulty your Committee are of Opinion would be entirely removed by running of said boundary line.

[a] October 3, 1837. See papers Second Congress, archives in office of Secretary of State (Texas), Box 8, File 746.

Your Committee therefore offer for the action of the Honorable Senate the following resolutions

Resolved,

That the president of the Republick be and he is hereby recommended and instructed immediately to appoint, with the consent of the Senate a Commissioner and Surveyor to meet a like appointment on the part of the United States of the North for the purpose of running the boundary line between the Territory of this Republick and that of the United States of the North in conformity with the existing treaty on that subject.

Further Resolved

That his Excellency the President of this Republick be instructed immediately to communicate the above appointments to our Minister at Washington with instructions that said minister should urge upon the Government of the United States the immediate appointment of a Commissioner and Surveyor on their part in order that said boundary line may be designated and run out without a moments unnecessary loss of time.

Your Committee from their unlimited confidence in the Promptitude, Honor, and Justice of the Government of the United States cannot entertain a doubt of its immediate action on the subject and do not believe that that Government will interpose a single obstacle or cause a moments unnecessary delay to the running of said line—so much to be desired as settling forever the doubts and the difficulties which now unavoidably and most inconveniently exist in relation to the disputed Territory, as well as being the direct means of cementing the friendship and good understanding existing between both the Citizens and Governments of the two nations.

Further Resolved

That His Excellency be and he is hereby instructed to give to the Commissioner and Surveyor to be appointed on the part of this Government, to run the boundary line between its Territory and that of the United States of America a Copy of General instructions to run said line in conformity to Existing treaties and that in running said line he is not to depart from the terms of the 1st and 2d articles of the Treaty of Limits concluded and finally ratified between the United States of America and the United Mexican States on the 5th day of April one thousand eight hundred and thirty two, and that said Commissioner and Surveyor are to consider as the Termination of their duty the fixing upon the Point at which the 100th degree of West longitude from London strikes the Rio Roxo or red river of Natchitoches

Wm. H Wharton
Chairman

CIRCULAR TO COLLECTORS.[a]

HUNT TO FORSYTH.[b]

FORSYTH TO HUNT.[b]

FORSYTH TO HUNT.[c]

HUNT TO FORSYTH.[d]

LA BRANCHE TO IRION.[e]

LEGATION OF THE UNITED STATES

Houston, February 26th. 1838.

The Undersigned, Chargé d' Affaires, of the United States, has the honor to acknowledge the receipt of the reply of the honorable Secretary of State of the Republic of Texas, to the communications of the Undersigned of the 13th and 16th. Ultimo.

The undersigned feels much surprise that this reply is so much at variance with what the honorable Secretary stated to him, in the several conversations they have had upon this subject; and that he should now attempt to throw upon the United States the blame, when he is so well convinced, that it is to be attributed to the government of Texas. But governments, like individuals, to give a color of justice to their proceedings, occasionally seek to attach the responsibility of the original offence upon the party whom they have injured, in order to avoid being considered the aggressors.

The honorable Secretary states that only a portion of the disputed territory is included in the late laws of this Republic, and that it "*has been* under the jurisdiction of the United States," intimating it is so no longer, when, in a letter of inquiry addressed to him by the Undersigned, he declares, positively, that the whole of that territory is comprehended. The honorable Secretary cannot surely pretend that the legislation of this Republic can possibly divest the United States of their jurisdiction and territorial rights, and transfer them to this government. The United States will not suffer any conflicting jurisdiction on the part of the government of Texas over that territory, much less an entire usurpation.

The Honorable Secretary claims as an excuse for not replying sooner, that the representations, made by the undersigned, on the

[a] February 17, 1838. See Hunt to Irion, March 3, 1838.
[b] February 19, 1838. See Hunt to Irion, March 3, 1838.
[c] February 21, 1838. See Hunt to Irion, March 3, 1838.
[d] February 25, 1838. See Hunt to Irion, March 3, 1838.
[e] A. L. S.

behalf of the United States, were only laid before the President on his return from the Bay. The honorable Secretary has forgotten that he informed the Undersigned, that he had submitted, to his excellency, the Protest of the 13th against the establishment of land offices before his departure. The President may have thought that immediate attention might very well be dispensed with, as his views on the importance of this Subject, according to the honorable Secretary, have undergone a material change.

The Undersigned does not specify this omission, which may have been through inattention, as of any particular moment, but merely for the sake of accuracy, and that there may be no misconception.

The Undersigned deeply regrets that the communication of the honorable Secretary breathes a spirit so little in accordance with a desire to secure the mutual interests of the two governments, and that pretensions, so incompatible with the just rights of the United States, and the satisfactory adjustment of the boundary without any violation of their respective claims, should be attempted to be justified; and a determination to persist in the very measures, that the call of Congress, by the President, was intended to avert; the propriety of refraining from these encroachments being no less apparent now, than at that period.

The honorable Secretary, in ascribing the present difficulty to the boundary being unfixed, deems a convention, to conform the stipulations with Mexico, on that subject, unnecessary, as that treaty has become "a public law". [a] The undersigned feels unauthorized to discuss, at present, how far the honorable Secretary is correct in this opinion, but will merely observe that Mexico and the United States, in similar circumstances, acted under the persuasions that a convention was proper. The Honorable Secretary weighs [sic] emphatically, in his communication, in calling the treaty with Mexico "a public law" only for the limits, declining to view it as "a public law" for all the other articles it contains. When the Undersigned inquired of the honorable Secretary if he understood that treaty, in its general bearings, to govern the two countries, until a treaty was formed between them, his reply was he did, so far as the Indians and the boundary were concerned, but no further. The Undersigned would be indebted to the honorable Secretary to enlighten him upon the point, why the treaty is to be regarded as "a public law" only for those two articles, and not for the rest. The honorable Secretary must be aware, that if the government of Texas assumes the privilege of choosing what suits her purposes, the United States have the same right to take from that "public law" what they conceive most convenient to them. This government refusing to be governed gen-

[a] There is in the archives a copy of the remainder of this paragraph evidently made for some special purpose, but for what is not clearly indicated.

erally by that treaty, the United States may consider no portion of it binding.

The honorable Secretary alleges, that the undersigned "intimates, that it is within the competency of the President, as the chief executive officer of this Republic, to suspend the law organizing Red River County and the Land office therein, as he (the President) did that, against the execution of which, Mr. Forsyth remonstrated". The undersigned disclaims having intimated any such thing, and challenges any expression, of his, which can authorise such an interpretation. The undersigned has no inclination, nor is it his province, to point out the course the President should take in such matters: his excellency is certainly the exclusive judge of his constitutional powers, and how far he is competent to act. The undersigned fulfilled the duty incumbent upon him, by merely making an appeal to the President, leaving it to his sagacity and wisdom, to apply such a remedy, as he conceived the case might require, comporting with the friendly relations between the two countries.

The undersigned, although he disclaims such an intention, as being an improper intermeddling on his part, is, nevertheless, under obligations, to the honorable Secretary, for drawing a distinction between the former case when the President interposed, and the present, when he declines any interposition. According to the honorable Secretary the differences, which reconcile this apparent inconsistency, are, that "in the latter, Congress passed the laws and elected the officers required to carry them into immediate effect, while, in the former, the law was to go into operation at a stated period, and the appointment of officers were to be made by the executive, which he declined doing, by which the law remained inoperative." The undersigned cannot understand the honorable Secretary as meaning that the President can do that indirectly, which he may not do directly, and if the honorable Secretary does not mean this, it is impossible to conceive what he does mean. And, in fact, the undersigned did not require that the honorable Secretary, should go into any arguments upon this question, upon a gratuitous supposition, that the undersigned desired the honorable Secretary, to reconcile the contradiction, which the honorable Secretary, himself, supposes, since he thinks it necessary to make the effort, between suspending the former land law, and a refusal to suspend the present.

But the undersigned cannot refrain from remarking the discrepancy between the views of the executive when he considered it proper to arrest the former law, and those put forth by the honorable Secretary, to sustain him in an entire different line of conduct, at the present moment.

The undersigned has nothing before him to show why the same solicitude, then manifested by the President, is dispensed with, as

the same causes now exist which produced the conviction, that the former law could not "go into operation, (these are the words of the message addressed to Congress on the occasion,) *without conflicting with subjects too important to be disregarded, inasmuch as some of the land districts would necessarily fall within that section of country, over which the United States, have, for some years, exercised civil jurisdiction.*" The undersigned will not imagine that his excellency, the President, is less sensible of the propriety of avoiding a conflict with Subjects "too important to be disregarded" now, than he was when he originally took a view of this matter, or that the conclusions, he then formed, after, it is presumed, the most mature deliberation and reflexion, are less the result of a sense of justice, of reason and good faith, than the very extraordinary arguments, by which it is made to appear, that the pretensions to this territory now authorized encroachments, he then unhesitatingly condemned, a decision which was confidently regarded as a guarantee of his intention to refer the subject to the arbitration of commissioners, as contemplated by the treaty with Mexico.

The President, himself, offers the very best proof of the good intentions of the government of the United States, and their sincere desire of meeting the government of Texas upon such just principles as would secure a satisfactory termination of their respective claims, by distinctly declaring, in the message to Congress, before referred to, "that this measure (the appointment of a commissioner) was based so as to correspond with measures *which have been adopted on behalf of the government of the United States; for ascertaining the true boundaries of the two countries.*" The President proceeds: "though no official intelligence was derived from the United States, it, nevertheless, was deemed *satisfactory as to its correctness*, and has subsequently been *verified*, as will be shown to your honorable body, by documents which will be referred for your consideration." Again, says the President, "It is to be deplored that so soon as measures had been adopted by the government of the United States on this subject, that the government of Texas was not apprised of the fact, or its agents near that government until the 17th of June last, when a communication was made to our agent by the honorable Secretary of State, for the first time, of the desires of that government".

Provision, it seems, was made, at the close of the session preceding the one the President had called, for the appointment of a commissioner on the part of Texas, but no appointment was made in pursuance therewith, and yet, it is assumed, "the United States have deemed it expedient, very much against the wishes of the President, to postpone the fixation of that line!" Whatever may be the President's persuasions upon the necessity for settling the boundary agree-

ably with the treaty of limits, and however assiduous he may have been in urging the matter upon the government of the United States, it is very clear that he has not seen proper to provide a commissioner until very recently, and that, after an attempt to wrest this territory from the United States, and hold it before the limits can be designated, and in fact, before advising the government of the United States of the appointment! !

The Congress, pursuant to the President's proclamation, met, on the 25th. September, to take into consideration his suggestions; and anterior to the 1st. of October, passed a joint resolution "suspending the operations of the land law", thus "sustaining the President in the course he had taken". It was reasonable to expect that a measure, calling for the special interposition of the President, and the action of the Congress, would not have been revived with such precipitancy, especially when there was a sincere disposition to facilitate the adjustment of the boundary, in accordance with the stipulations with Mexico. Yet within a very brief delay, without waiting for any communication of the United States upon the subject, and, for all the undersigned knows, without even informing the United States of any such intention, of any penalty that would follow so fast upon the footsteps of the act of grace, as would render it abortive, another law is introduced and passed, whose provisions are precisely similar, and which are equally obnoxious to the President's censure "as conflicting with subjects too important to be disregarded." This anomaly, in just and wise legislation, appears to be obvious to the mind of the honorable Secretary, since he alleges certain complaints against the United States as affording "some apology" for the course of Congress in organising ["]that disputed territory". What these complaints are will hereafter be noticed, but they are by no means adequate completely, even in the eyes of the honorable Secretary, to rescue that body from a portion of blame.

How the honorable Secretary can find grounds to justify proceedings, that he himself confesses, admit but of a partial apology, the undersigned is at a loss to determine, nor can he see, in the circumstances set forth as an "apology," a sufficient pretext 1or persisting in measures, of whose improper character the President appeared to be so well aware.

The undersigned conceives it would have been better, as the honorable Secretary has no reasons more cogent than those he advances, that he should simply have signified that the President declined any interposition. Had the honorable Secretary confined himself to this, and refrained from impugning the conduct of the United States, it would have superseded the necessity for the present discussion.

The undersigned cannot discover, in any of the acts of Mexico, to which reference is had, that the United States have "tacitly acquiesced" in the right claimed, by the honorable Secretary, for that power, over the disputed territory.

A tribe of Shawnee Indians, the honorable Secretary states, applied for this territory to the government of Mexico, and it was refused them. How can the honorable Secretary torture this simple fact into a recognition by the United States of the rights of Mexico to the territory in question? Mexico by refusing to concede it to them, dispensed [with] the necessity for any remonstrance since nothing existed to require it.

As to Wavel, to whom the territory was granted, according to the honorable Secretary, it appears he never affected [sic] any settlement on behalf of the government of Mexico. How then, again, could the United States interfere without any act to justify it? This is an entire new principle introduced among nations.

Further, the honorable Secretary urges that Mexico had a fort at a place called Spanish Bluffs. When or under what circumstances this was, the honorable Secretary says not. The undersigned cannot perceive that the rights of the United States have been impaired admitting such to be the fact.

Again, the honorable Secretary invokes certain laws that were enacted by the State of Coahuila and Texas and Mexico which never were carried into execution. Had it been attempted to enforce this random legislation, as the Government of Texas seems determined to do, the United States, so far from acquiescing as the honorable Secretary would affect to believe, would have prevented all encroachments, and have maintained entire their jurisdiction over that territory. In that event the honorable Secretary would probably have been relieved from the task of translating the Spanish documents upon which he relies, and the undersigned from the trouble of noticing them.

Suppose the government of Mexico (if her difficulties with Texas were limited to a question of boundary) was to make, near the line to be run, within the apparent limits and under the jurisdiction of the latter, a grant of land to a company of individuals, who, from some cause or other, were prevented from making any settlement, the government of Texas, not remonstrating at the time, would this confer a title upon Mexico? Certainly not. But, it seems from the arguments of the honorable Secretary it would, as the grants to Wavel were of this description.

The honorable Secretary dwells, with great complacency, upon the efforts made by Mexico to occupy this territory. None of these efforts, according to the honorable Secretary's own showing, were ever consummated. Yet the honorable Secretary argues that the

United States have acquiesced by not remonstrating! Against what were the United States to remonstrate? Against schemes of individuals that never had their accomplishment, and of which the United States were unapprised or indifferent to, from the fact they never had approached that state that would have justified the slightest apprehension? The honorable Secretary is unfortunate in all he has selected to prove that Mexico considered that territory as her own:—In every case he cites, subsequent acts appear to disapprove the conclusion. Either she refused to grant it to "Indians," or she prevented "North Americans" from settling it. In one case "a famous edict" was passed by her forbidding them to do so, and in another she "arrested and imprisoned the gallant Milam" just as he was on the point of carrying his designs into execution. The United States, anxious as they might have been to have stopped these contemplated incursions were always anticipated by Mexico, herself, who, unsolicited, has laid a ban upon her citizens. The United States therefore has no occasion for remonstrating or protesting, unless the honorable Secretary supposes the anomaly that the United States were bound to protest without proper cause.

The honorable Secretary purposely forgets that, if the simple cession of this territory by Mexico for settlement conferred any right, the actual settlement and organization by the United States was a perfect title. This territory forms Miller and Sevier Counties in the State of Arkansas.

The occupancy, then, of this territory by the United States, having been respected even by Mexico, it was to be presumed that the government of Texas would not have been less mindful of the existing obligations. Do the pretensions of Texas confer upon her the right of surreptitiously divesting the United States of their jurisdiction and right of possession, before the line be run, and the claims of the two countries determined?

The honorable Secretary, having sought in vain for any act, on the part of Mexico, establishing her occupancy of this territory, proceeds to found the seperate pretensions of Texas by advancing as an all-powerful argument, that in 1836 the county of Red River sent delegates to the Convention, which proclaimed the Independence of Texas. That document having been published to "the world" the honorable Secretary contends that the United States should have protested if they meant to consider the territory those delegates professed to represent as their own. Is the honorable Secretary in earnest when he advances this argument? How were the United States to know that Red River County which figures in the proceedings of the Convention, through Mr. Ellis,[a] was no other than Miller and

[a] Richard Ellis, a native of Virginia; member Alabama Constitutional Convention, 1819; president of the Texan Convention of 1836; president pro tem of Senate of First Congress of the Republic, and member of Senate of Second, Third, and Fourth Congresses.

Sevier Counties, one of which was represented, at that time, by the son of this very Mr. Ellis, in the assembly of Arkansas? The United States would have been gifted with very extraordinary powers of penetration, could they possibly have explored this mystery. How could one of their citizens not only transfer his own allegiance, but that of all the other citizens inhabiting the metamorphosed american counties, as well as the soil itself? Was it the duty of the United States to send commissioners to the Convention to ascertain that all the members were citizens of Texas, representing her territory? If the convention were pleased to admit Mr. Ellis, knowing he was not legitimately entitled to a Seat, surely it must have been with the full knowledge that this admission could invest him with no powers incompatible with the jurisdiction exercised, by the United States, over the disputed territory. The reverse of this proposition is so absurd, that it cannot sincerely be maintained. Besides, what county was Red River county at that time? The territory, now understood to compose it, by the late act of Congress, was not then organised. Red River County was undefined. It might have meant a County to be formed on the Brassos or on the Colorado, which was much more reasonable to infer, than that it meant any portion of Arkansas.

The honorable Secretary refers the undersigned to a late report of the Committee of Foreign Relations of the Congress, as further establishing the propriety of the late laws organising that territory. This report exhibits the anxiety of Congress for the running of the line, and concludes with a resolution authorising the President to appoint a commissioner for the purpose. In its tone it affords a *remarkable contrast* to the communication of the honorable Secretary. It is proper to remark that it was introduced on the 3d of October last, and with the delays incidental, the appointment, it contemplated, must have been retarded until November. When the appointment was actually made does not appear, but it was not officially promulgated until after the adjournment of Congress. Admitting, however, that the minister of this government, at the earliest moment, communicated it to the government of the United States, it would have been next to impossible for any action to have been had upon the subject before the passage of the late laws. This is only noticed incidentally, as illustrating how far the unavailing efforts of the government of Texas extended, and how far the subsequent acts were justified by a non-compliance on the part of the United States. It is true that the honorable Secretary, in conformity with a call from the Senate, upon which the report of the Committee of Foreign Relations was based, informed that body that he had addressed a communication to the Minister at Washington, signifying to him the passage of the former law authorizing the President to appoint a commissioner to run the line, and instructed him to obtain a like

appointment, on behalf of the United States. But the report of the Committee clearly shows a disposition to renew the application, and precede it by the appointment of the commissioner, which the President had failed to make, and which the Congress again felt it their duty to urge. That it is evident, that Congress, by a solemn act, having so resolved, and the President having confirmed the same by the appointment, there was an obligation to await the result.

In connection with the foregoing, the undersigned will respectfully call the attention of the honorable Secretary to the protest, made by several members of the Senate, against permitting Mr. Ellis to take his Seat, as Senator, in the late Congress, from the territory he assumed to represent. Most of those members were of the committee of Foreign Relations, and the question was one they were peculiarly qualified to decide. The grounds they insisted upon were, 1st: "that the United States of the North exercised at this moment, *actual* and *exclusive jurisdiction civil* and *military* over the county the honorable gentleman claims to represent: 2dly, that no such county has ever been organised in accordance with the requisitions of the laws of this Republic: 3dly that three names, appended to the honorable gentleman's certificate, are the names of individuals entirely unknown to the laws and constitution of this Republic: 4thly, that it does not satisfactorily appear, that *the honorable Senator is a citizen of this Republic:* 5thly, that it is quite possible that the running of the line, from the 32d degree of latitude on the Sabine to Red River, will *show that a large portion of the County of Red River, and probably the honorable Senator's own residence is in the United States of the North.*"[a]

One of the members who protested, Mr. Burton, emphatically declared, "that the question before the senate was in reference to the exercised jurisdiction, and not the right of soil: *that the territory in question is represented in the Legislature* of Arkansas, pays taxes to her, and her inhabitants are liable, at any time, to be ordered into military service against this Republic. *These facts are incontrovertible and admit of no dispute.*" Such were the views of several of the most intelligent members of the Senate, among whom was Wm. H. Wharton, Chairman of the Committee of Foreign Relations, a gentleman who has filled some of the most important offices in the Republic, and whose opinions are entitled to great weight from the reputation he enjoys for information and research. Another gentleman, Mr. Burton is a Surveyor, intimately acquainted with the disputed territory and sustained, by his *professional knowledge*, in what is advanced in the protest, "that it is quite possible it will fall within the boundaries of the United States."

[a] *See Journals of the Senate of the Republic,* for called and regular sessions of Second Texas Congress, 38–44.

How, then, can the honorable Secretary assume, with such certainty, as a fact, that this territory of right is within the limits of Texas, and that a thorough persuasion of this authorizes the late proceedings? How can he maintain that all the acts of this Republic, as well as those of Mexico, and the State of Coahuila and Texas, are so many proofs it was so considered? It appears they have never set forth their pretensions, except so far as Texas is concerned, by the laws against which the undersigned has protested, as is contended for by the honorable Secretary. The convocation of the extra session of the Congress, by the President, implies clearly, that whatever may be his impressions, whether the running of the line will place this territory within the limits of Texas or of the United States, still, that the actual occupancy of the latter was not to be disturbed until the fixation of the line should settle that question. This acquiescence of Congress, in the object for which he had convened them, is a further confirmation of this view of the subject. Nay, more, the House of Representatives were so fully impressed with this fact, that in the bill that originally passed their body, they expressly excluded Red River County from the operation of the law. The objectionable section, as it stands, is so worded, as to require a close examination to ascertain its real intent, which, at once, goes to prove that its author entertained apprehensions it could not pass unless it were involved in obscurity. And the honorable Secretary himself, who is familiar with that part of the country, has often expressed the belief, that when the line shall be run, the greatest portion, if not the whole of the disputed territory will be within the United States.

But it appears, now, according to the communication of the honorable Secretary, that the United States have not "a shadow" of a right to this territory. The undersigned will leave the honorable Secretary to reconcile to his own satisfaction these conflicting and contradictory opinions; he cannot, however refrain from observing that the honorable Secretary has taken a vast deal of pains to combat a mere phantom. The undersigned feels astonished that "a shadow" should have influenced the mind of the President so far as to have induced him to convene an extra session of the Congress, when, according to the message, "the frequent call of extra sessions is to be deprecated, but the necessity of the present meeting could not be so well anticipated by any future action of your honorable body, as it can at the present moment." The honorable Secretary must admit that this "shadow" has been very potent, and that he, himself, has, until very recently, misconceived its true character.

The undersigned considers the very message of the President, delivered at the opening of the extra session of Congress, with which

the honorable Secretary has been so obliging as to furnish him, as in itself sufficient to refute entirely the grounds assumed by the honorable Secretary. The very same arguments, by which the President was convinced that this territory should not be interfered with, but that the settlement of the boundary should be made by commissioners, apply with as much force now as they then did. The acts of Mexico to occupy this territory, to which allusion is made by the honorable Secretary, were as well known then as they are now, yet they were thought insufficient to be urged. It appears strange, indeed, that the government of Texas should rely upon such acts, when she has proclaimed "to the world" what faith she places in the rectitude of that government!

The Undersigned regrets that he should be under the necessity of entering so fully into a matter, whose discussion might very well have been spared, had the honorable Secretary, in communicating the determination of his excellency, abstained from making reflexions upon the government of the United States, and calling into question the propriety of their conduct in relation to the disputed territory. A sense of duty has made it imperative upon the undersigned to meet and refute the charges of the honorable Secretary, and to sustain the just rights and prerogatives of the United States.

The undersigned concurs with the honorable Secretary that, when the limits shall be settled, all differences will be eradicated, and he trusts until then, the government of Texas will see the propriety of forbearing from any encroachments, which he again repeats will not be allowed. The United States have exercised up to the present time, are exercising and will continue to exercise jurisdiction until the relative claims of the two countries shall be adjusted.

The honorable Secretary, as collateral reasons for the enactments of the late laws, alleges "some unwarrantable acts on the part of agents of the United States on Red River." The undersigned is bound to conclude, as these grievances are of anterior date, if they be of the serious nature now assigned them, the proper representations must have been made through the organ of this government at Washington, where they have undoubtedly received that attention they merit.

In regard to the complaint against the two officers of the United States' army, the honorable Secretary will permit the undersigned to believe, until his government shall have determined upon the matter, that their conduct is not reprehensible.

But, granting the weight which is attached to these acts, what have they possibly to do with the subject under consideration? As disconnected matters, they might, perhaps, form a proper subject of complaint, but in the manner and place they are brought forward, it

would seem they are urged with intentions too obvious to require comment.

The undersigned would fail in the duty he owes to the country he represents, were he not to repel the accusation of the honorable Secretary that the United States have disregarded the 33d article of the treaty of amity, Commerce and Navigation with Mexico, which is sought by the honorable Secretary to be rendered still more culpable by his supposing that this article was proposed by the United States. It was impossible to have anticipated such a charge from the source from whence it emanates. The constant regard of the United States for their treaties and their faith in fulfilling them has obtained the admiration and respect of all nations. How could this government give utterance to so unworthy a reproach, when she has, herself, in so remarkable and signal a manner, been indebted to the rigidity with which the United States fulfilled that very article of the treaty. Had it not been for its religious observance, every inhabitant, this side of the Sabine, would have been butchered by a savage foe. The President and the honorable Secretary have frequently declared this to be their solemn conviction. Yet, with this fact before their eyes, the good faith of the United States has seriously been arraigned! But the remembrance of the heart, it seems, is not the quality of governments, and although the United States, having only complied with their obligations, do not claim any acknowledgment, still it may appear somewhat singular that simple justice should be denied them, when the results have been of such vital consequence.

The undersigned trusts that the language applied by the honorable Secretary to the United States was not intended to convey the meaning it does. He is induced to this belief by the friendly relations existing between the government and people of the two countries, which, he entertains the ardent wish, may not be disturbed by any sinister remarks that would wound the feelings of the other [sic]. He therefore will dispense with further observations under the persuation that the honorable Secretary will appreciate his motives.

The undersigned will comply with the request of the President to communicate, to the government of the United States, the reply of the honorable Secretary, and will take the same occasion to lay before that government all the correspondence upon the subject to which it refers. The wisdom of his government, the undersigned is confident, will decide upon the course that will devolve upon it by the refusal of the government of Texas to listen to the remonstrances that have been made in its behalf, and while it will insist upon its just rights,

every disposition, on the part of the government of Texas, to preserve friendly relations, will, he is assured, cordially be reciprocated.

With sincere anticipations, that these unsettled matters, that depend upon the fixation of the boundary, may be so arranged as to give satisfaction to both parties, and preserve that line of conduct which mutual interests prescribe, the Undersigned renews to the honorable R. A. Irion, Secretary of State, assurances of his distinguished consideration.

ALCÉE LA BRANCHE.

To the Honorable
R. A. IRION,
Secretary of State of the Republic of Texas

HUNT TO IRION.[a]

TEXIAN LEGATION
WASHINGTON CITY
3rd. March 1838.

Despatch
No. 31.

SIR,

I herewith transmit you all the written interchanges which have occurred between this Legation and the Department of State of the United States since my Despatch No. 30.

The Secretary of State addressed me a note last evening requesting my presence at the Department this day at 11 o'clock A. M. What the nature of his business is I cannot at present conjecture; but I will append the substance of our interview if it is of any importance as soon as I return. In the mean time I will suspend any additional remarks until I know its nature.

I have just returned from the conference with the Secretary of State who after the usual courtesies, on my arrival at the Department, mentioned that, he had desired an interview with me to communicate a disagreeable fact. He said he regretted to know through the Charge of the United States near the Government of the Republic of Texas that the land law authorising surveys etc. etc. had gone, or, was about to go into operation in that portion of the Teritory, between the Red and Sabine rivers claimed by both Governments, and that it was his disagreeable duty under the circumstances to direct the marshal[b] of the United States whose jurisdiction extended to

[a] A. L. S. [b] In the original first spelled "martial," then corrected.

that portion to arrest any person or persons who should be found surveying any portion of said lands.

I stated to him that the land law alluded to was the Supreme law of the land in the Republic of Texas and I could guarantee to the United States that my Government would make void any surveys which its citizens might make under its directions or sanction should such surveys be found to be without the limits of Texas upon the final settlement of the question, between the two countries. That Colo. Milam and others in Texas, had for their own information, with good surveying instruments for that purpose passed on a direct line from the 32d. Degree of North Latitude on the Sabine river to the same point on the Red river; and there was a general concurence among the citizens as to where the line would run when it should be officially surveyed or within a few miles thereof.

Mr. Forsyth then said that no circumstances which I could present would vary the determination of this Government.

I mentioned the deep regret that the President of Texas would experience at the slightest difference between the two Governments, and stated that the law authorizing the land offices etc. etc. was not within his control, that he had vetoed it but that it had gone into operation by a constitutional majority of both houses of Congress without his signature. He then remarked that the President of the United States felt every assurance that the President of Texas had the kindest and most amicable feelings towards this government, but that the Government was fixed in its determination to resist with fource if necessary the execution of the land law of Texas in the said teritory, and that instructions would be given to the Governor of Arkansas to support the martial in the execution of his instructions I expressed a hope that nothing serious would grow out of the affair; and further added that the congress of Texas was, I had no doubt at the time of the passage of the law authorizing the opening of land offices, under the impression that, the boundary line would be established before the said law would go into operation which circumstance it appeared to me, was entitled to some consideration in preventing this Government from an immediate action thereon. I also stated the land law aforesaid had imposed proper restrictions touching the border territory in contemplation of a spedy adjustment.

I remarked in continuation, that it was unnecessary for me to repeat the anxiety so often manifested on behalf of my Government that the boundary line should be finally established. He still expressed a hope that nothing unpleasant would grow out of the course which he had felt it his imperative duty to pursue touching the orders issued to the martial and the Governor of Arkansas.

I would recommend, most respectfully, through you to his Excellency the President of Texas, the propriety of exerting his private influence to induce the officers in the County of Red River to suspend the opening of the land offices and all surveys under the land law until the boundary line can be established, which may be expected in a verry short time.

The views expressed in the first part of my Despatch No 29. I refer you to as my present opinions on the Question of annexation. The information in regard to the appointment of a new Cabinet may be correct but I have no confidence whatever in its favourable considerations of the subject of annexation.

The Sub-Treasury Bill is still under consideration in the Senate, which has prevented the consideration of Col. Preston's Resolutions relating to Texas. I expect they will be taken up the latter part of this, or the first of next week.

I was verry much gratified on receiving your letter of information and instructions by the hands of the Surgeon General. I attended the next day to its conten[t]s in verbal interchanges with the Secretary of State.

Should you not have forwarded me the necessary power to make a treaty of limits, please do so without delay. I alluded to a new power, which, I discover, I called commission, in my Despatch No 20 from Vicksburg, which if forwarded I did not receive

This Government has, manifestly, been disposed to delay the fixation of the boundary line; notwithstanding my note of the 4th. of August to Mr. Forsyth on the subject, and my repeated communications relative thereto; nor did he apprise me until just before my Despatch No 29., that the time limited by a treaty with Mexico and the United States for that purpose, had expired; nor had he replied to my note on the subject up to that time. He then made a verbal statement saying, that the treaty on the subject was at an end, and must be renewed, with Texas, before commissioners for that purpose could act.

I was gratified to receive, through you, instructions from the President, to abstain from the further intimation of a solicitude on the part of my Government for annexation. Since Mr. Forsyth's note declining a negotiation on the subject, I have in every conversation with him touching it observed the greatest reserve and delicacy, and nothing would have induced a renewal of the subject but positive instructions from my Government in that behalf.

I am glad to learn that our Indian relations on the frontiers are assuming a more amicable shape and I cordially hope will long continue.

I am equally so to know that the Republic is in other respects prosperous and happy and we may unite in our gratulations that

amidst all our vicissitudes, a kindlier spirit pervades our infant Republic, and that that is the Spirit of Liberty.

I have the honor to remain,
with the greatest respect,
your ob't. sv't.

MEMUCAN HUNT.

To the Honorable
R. A. IRION,
Secretary of State.

P. S. The Secretary of the Legation, who is absent, and will continue so for a few days, is in excellent health.

M. H.

[Here follow copies of Hunt to Forsyth, February 19, 1838, announcing that Sandy Harris, Esq., has been appointed private secretary to Hunt, and of Forsyth's reply in acknowledgment on the same day.]

DEPARTMENT OF STATE,
Washington [City], 21st. February, 1838.

SIR,

I have the honor to communicate a copy of a Circular from the First Comptroller of the Treasury of the United States, addressed to the officers of the customs, instructing them to give to the vessels and productions of Texas the benefits of the fifth and sixth articles of the Treaty between the United States and Mexico.

As those articles will go into operation on the fifth of April, next, I have the honor to request that you will forward the enclosed circular so that it may reach your government before that time.

I embrace this opportunity to offer you renewed assurances of my great consideration.

signed, JOHN FORSYTH

To the Honorable
MEMUCAN HUNT,
etc. etc. etc.

Circular
To Collectors, Naval Officers and Surveyors.

TREASURY DEPARTMENT,
First Comptrollers office, February 17, 1838.

SIR,

Refering to the circular from this office, of the 2nd. instant, I have to communicate for your Government that, by information received from the Department of State, it appears the fifth and sixth articles

of the treaty with Mexico are held to be obligatory on the Republic of Texas. It results, therefore, that the vessels and productions of the latter, being placed on equal footing in carrying on its commercial intercourse with the United States, are to be treated with reciprocal favour, and enjoy the like privileges and exemptions that are extended to the vessels and productions of Mexico.

Accompanying this, you will receive, for the use of your office a set of laws enacted at the first session of the Twenty-fifth Congress.

Special and explanatory instructions having been issued almost simultaneously with their enactment in respect to such of those laws as were more directly connected with the revenue system, and to which your instant attention was necessary, I have only, at this time, to enjoin their due observance.

I deem it proper, however, to call your pointed attention to the following proclamations of the President of the United States, viz:

1st. Proclamation, dated the 24th of June, 1837, respecting the dominions and dependencies of the Sultan of Muscat.

2d. Proclamation, dated the 24th. of June, 1837, respecting the dominions of the King of Siam.

3d. Proclamation, dated the 14th of June, 1837, declaring that the *tonnage duty* on the vessels of the Kingdom of Greece are thenceforward to cease to be levied in the ports of the United States.

4th. Proclamation, dated the 11th of October, 1837, declaring the fact, that the *duties* payable by the vessels of the Kingdom of Portugal, prior to the 25th of May 1832 are from that day to be levied and exacted.

The object of these proclamations appeared to be so obvious as to require no particular explanation.

I am, Sir, verry respectfully,
your Obedient Servant,

Signed, GEORGE WOLF
Comptroller.

TEXIAN LEGATION
WASHINGTON CITY,
25th February, 1838.

SIR,

I have the honor to acknowledge the receipt of your note of the 21st. instant, enclosing a copy of a circular of the First Comptroller of the Treasury of the United States, addressed to officers of the customs, instructing them to give to the vessels and productions of the Republic of Texas the benefits of the fifth and sixth articles of the treaty between the United States and Mexico, with a request that

I communicate the same to my Government, which it affords me great satisfaction to do.

I take this opportunity to tender you additional assurances of my distinguished consideration,

MEMUCAN HUNT

To the Honorable
JOHN FORSYTH, *Secretary of State of the United States.*

HUNT TO FORSYTH.[a]

TEXIAN LEGATION
WASHINGTON CITY
8th March, 1838.

SIR,

At our recent interview, you called my attention to the fact that, orders would be issued, under the authority of the Government of the United States, to the proper authorities in the State of Arkansas, to arrest such of the citizens of the Republic of Texas, as should be found, at any time, surveying any portion of the territory, now claimed by both countries. And being desirous that nothing should pass unnoticed, which might tend, in any degree, to stay these peremptory proceedings, I have the honor to transmit herewith, a printed copy of the general land law of the Republic, passed at the last session of Congress, to a part of the 39th section of which, I would most respectfully ask your particular attention.

I have the honor to renew the proffer of my distinguished considerations.

signed, MEMUCAN HUNT

To The Honorable
JOHN FORSYTH,
Secretary of State of the United States.

HUNT TO IRION.[b]

Despatch No. 32.[c]

TEXIAN LEGATION,
WASHINGTON CITY,
9th March, 1838.

SIR,

Since writing you on the 3d. instant, I have addressed Mr. Forsyth a note, of which, the foregoing[d] is a copy, and which I lose no time in

[a] See Hunt to Irion, March 9, 1838.
[b] L. S.
[c] This number was entered after the letter was received. See Hunt to Irion, March 12, 1838.
[d] See Hunt to Forsyth, March 8, 1838.

transmitting to you. I will forward the answer if he replies to it, without delay.

I have nothing of importance to communicate since my last, save the declaration to me, of several members of Congress from the South that, unless Texas is annexed to the United States, they are favourable to, and will advocate its annexation to the slave holding States. And that they prefer a dissolution of the Union, and the acquisition of Texas, to their present position in the Union without her.

And intimations have been made to me within a few days, which may make it proper for me to return home, if I remain but a few days, during the approaching session of Congress.

I will perhaps, write again shortly on this subject.

I have the honor to be
your obedient servant

MEMUCAN HUNT.

To The Honorable
R. A. IRION
Secretary of State.

FORSYTH TO HUNT.[a]

HUNT TO IRION.[b]

TEXIAN LEGATION
WASHINGTON CITY
12th March 1838

Despatch No. 33.

SIR,

I herewith, transmit a copy of Mr. Forsyth's reply to my note of the 8th., communicated in my despatch of the 9th instant, which I wish you to mark "Despatch No. 32," as it was unintentionally neglected.

You will perceive that the tenor of this note, is entirely amicable, and I most sincerely hope that, nothing unpleasant will result from the proceedings of the two Governments upon the frontier.

I alluded in my last, to the propriety and possibility of my returning home, if but for a short time, during the approaching session of Congress. This, however, I shall decline for the present, unless my recent request to be recalled, be complied with in the mean time.

The object I then had in view, was to enable myself to express more at large and particularly, my opinion as to the delicate attitude of the

[a] March 9, 1838. See Hunt to Irion, March 12, 1838.
[b] I. S.

United States, in reference to the question of annexation. This I will now endeavour to do in verry few words.

It is decidedly my opinion, and that of many distinguished gentlemen from the Southern States, that unless Texas is annexed, this Union will, at no distant period, be dissolved; say a few years. This will be the result of an interference on the part of the Northern States with the institutions of slavery in the South. Whereas, the annexation of Texas would give a preponderence in the Senate in favour of the South, and thereby, afford an ample security against the encroachments of the North, in the representative branch of the Government.

But should annexation fail, a similar security could be anticipated from no other source.

The ratification by Texas, of a treaty between that country and Great Britain, would indefinitely pos[t]pone the question of annexation here, as the Constitution of the United States precludes the admission of a state, whose duties and foreign policy differ from the rest.

Domestic Slavery in the United States and Texas, must, from various circumstances, stand or fall together. The failure of annexation will hazard an attack upon those institutions in civil warfare between the States holding, and those opposed; for the fanatical spirit of abolition, is unquestionably on the increase, and will so continue, in my humble judgment, unless annexation should ultimately prevail. Should this be the case, it would be so great a triumph as to check its progress, if not entirely, certainly to an extent, that would cause the slave holding States, as well as Texas, to feel a perfect security.

Apart from this question, there can be but one opinion as to the propriety of concluding treaties, with foreign powers, at as early a day as practicable. But that institution, should Texas remain alone, would make her the only sovereignty where slavery is common throughout; and as such, would subject her to assault from any quarter. While on the other hand, an union with the United States, would secure at once, the sympathy of the South upon that subject, and the friendship of the North from motives equally strong, those of permanent interest.

This must be my apology for recuring so often and so zealously to this subject.

I have the honor to be
Your obt. servant

MEMUCAN HUNT

To the Honorable
R. A. IRION,
Secretary of State.

DEPARTMENT OF STATE,
Washington [City,] 9th. March 1838.

SIR,

I have the honor to acknowledge the receipt of your note of yesterday's date, transmitting a printed copy of the General Land law of Texas, passed at the last session of the Congress of that Republic, and calling my attention to a part of the 39th section of the law with a desire that it might tend to stay proceedings under instructions of this Department which you were informed would be given.

I have examined that section, which, if it was framed with a view to prevent collissions that might arise from the execution of the law in the disputed territory, seems to me not to be as definite on that subject as could have been wished. Its efficiency for that object will consequently depend upon the manner in which it may be executed, which, I trust, will be with a proper regard to the Rights of the United States.

In that case, so far as regards the operations of the Texian land office, the authorities in the State of Arkansas may not find it necessary to act under the instructions that have been given them from this Department.

I avail myself of this occasion to offer you renewed assurances of my distinguished consideration.

signed, JOHN FORSYTH.

To the Honorable
MEMUCAN HUNT
etc. etc. etc.

IRION TO HUNT.

DEPARTMENT OF STATE,
City of Houston, March 21st. 1838.

SIR,

I have the honor to acknowledge the receipt of your despatch of the 8th. instant, which came to hand yesterday.

I sincerely deplore the present aspect of the relations between the U. States and Texas respecting the boundary line. It has become a subject of discussion between the Chargé d' Affaires of the U. States at Houston and this Government.

This discussion grew out of the protests which the Hon. Chargé considered himself called upon to make when he ascertained that the Congress of Texas had, by special enactments, organized the disputed territory, and established Land Offices therein for the location of Lands.

In reply to his communication I cited some historical facts showing that Mexico had uniformly regarded that territory as being clearly within her limits, and that the Government of that country had from time to time taken steps to organise it, which their political condition prevented; and, that, therefore, no right which Mexico ever possessed relative thereto had been impaired on the score of prescription; and that Texas must be considered as the successor of the country from which she separated so far as respects the territory in question; expressing at the same time the great anxiety of this Government to have the line run, and some of the causes, connected with the defence of the country, which render the consummation of that object so very desirable and important to Texas. He misapprehended the positions which were taken in my communication and made the most extraordinary answer that I have yet read in diplomatic correspondence.

By direction of the President I forward you the general power. If the Government of the U. States insist on a Convention, to confirm the treaty of limits, and authorise arrangements for running the boundary line, you will enter into the negotiations which may be necessary to effect those objects.

This Government has no objection to such a formal recognition of rights which are as binding on the respective parties without it, except the delay which its ratifications will occasion. Treaties of limits do not, like those of commerce, expire at given periods, but are as permanent as lines designating private possessions, which can never be changed unless by the consent of the parties concerned. For your government in the negotiations relating to the boundary I refer you to instructions heretofore given on the subject.

The present boundaries of Texas as fixed by an act of Congress are as follows, viz,—Beginning at the mouth of the Sabine River and running west along the Gulf of Mexico three leagues from land to the mouth of the Rio Grande; thence up the principal branch of said river to its source, thence north to the forty second degree of north latitude; thence along the boundary line as defined in the treaty between the United States and Spain to the beginning.

This Government does not wish to run the line at present farther than the 100dth. degree of West longitude to a point on Red River in latitude nearly 33° 30′, leaving a distance of eight or nine degrees to be run at a future time when it can be done with less hazard and expense.

The region north of Red River through which the line will pass is inhabited by hostile Indians, which circumstance would render it necessary to send a considerable guard to accompany the Commissioners and Surveyors. It is hoped that the Government of the U.

States will not insist on running the line beyond the point above indicated on Red River.

I have received despatches from General Henderson up to the 22nd. of December last.

He had had several conferences with Lord Palmerston, who treated him with great courtesy.

His application for the immediate recognition of the Independence of Texas by the Government of Great Britain had been considered by the Cabinet, who had declined acting decisively thereon at that time.

It is highly important to us that the question of annexation should be disposed of immediately, for it will embarrass our negotiations in Europe as long as it is pending at Washington.

The Canada insurrection has also had an unfavorable influence on our affairs in England.

I have stated to Gen. Henderson that I would request you to keep him regularly informed with respect to the debates that may take place in the United States' Congress on Mr. Preston's resolutions, or any other subjects that relate to annexation, which I hope you find it convenient to do. It is necessary that he should have the earliest possible intelligence on that subject.

There is no prospect of an invasion this spring. Political matters in Mexico are coming to a crisis. The Constitution of '24 will, it seems, be re-established within the next two or three months. Gen. Ur[r]ea has declared for the constitution in the state of Sonora. Gen. Cos is in Tamaulipas and has joined the Federalists.

The Emigration during the last fall and winter was immense.

The depressed condition of the Enemy, and the rapid increase of our population have tended greatly to render the people indifferent to annexation.

I have the honor to be, sir, with great respect your Obt. Servant,

R. A. Irion.

Hon. M. Hunt,
Minister Plenipotentiary of
Republic of Texas, Washington City, D. C.

Irion to Hunt.

March 21st. 1838.

Dear Sir,

The accompanying communication will inform you on matters relating to Texas.

I conversed with the President on the subject of your request to be recalled before he left for Nacogdoches.

He gave me no definite instructions relative thereto. I do not think he is willing that you should leave Washington till the question

of annexation shall be settled, which, I presume will be in a short time.

The boundary too has become a very important question. It will be necessary for you to procure, if possible, the appointment of a Commissioner on the part of the U. States. The Power which is forwarded invests you with full authority to act.

Should the U. States' Government insist on running the line the whole distance, I am at a loss to advise you what to do. Congress having made no provision for running it farther than the 100dth. degree of West Longitude on the Red River.

From that point to the 42nd. degree of north latitude it is a wilderness of savages and will not be settled for many years to come.

Upon the whole, considering the great importance of having the line defined with as little delay as possible, if you cannot induce that Government to limit the present operation to the point above indicated, it will be best to consent to run it to the 42nd.

I will write you again on the return of the President.

R. A. IRION.[a]

Hon. M. HUNT
Washington City

LA BRANCHE TO IRION.[b]

LEGATION OF THE UNITED STATES,
Houston, March 23d, 1838.

SIR:

I have the honor, herewith, to transmit you a copy of a Circular addressed by the Treasury Department of the United States to officers of the Customs, notifying them of the approach of the period for the operation of the 5th and 6th articles of the Treaty between the United States and Mexico, and instructing them to give the benefits of those articles to the vessels and productions of the Republic of Texas.[c] The equality and reciprocity they stipulate, it is expected, will be extended by this government to the vessel and productions of the United States which may arrive in the ports of Texas after the 5th of April next.

I am, Sir,
with great consideration,
Your obedient Servant,

ALCÉE LA BRANCHE.

Hon. R. A. IRION,
Secretary of State
of the Republic of Texas.

[a] The words "Hastily, yr. friend etc" above the signature are marked out.

[b] A. L. S.

[c] The circular is not now with this letter; but see Forsyth to Hunt, February 21, 1838.

BIRDSALL TO LA BRANCHE.

DEPARTMENT OF STATE
March 26th 1838.

SIR

The undersigned acting Secretary of State of the Republic of Texas, has the honor to acknowledge the receipt of the note of Mr. La Branche Chargé De' affairs of the United States of America dated 23d inst, with the accompanying Circular from the Treasury Department of his Government to its officers of Customs.

In the Circular it is stated that by information received from the department of State, It appears the fifth and sixth Articles of the Treaty with Mexico are held to be obligatory on the Republic of Texas. While the undersigned assures Mr La Branche of the earnest desire of this Republic to cultivate the most friendly intercourse with the United States, and expecially upon those principles of equality and reciprocal favour which should always characterise the commercial relations of friendly States, he cannot yield his assent to the proposition that the commercial stipulations of the treaty with Mexico are obligatory upon the Government of this Republic.

The events of our Revolution, the great changes in territorial and political organization incident to it, necessarily make the application of the treaty, to the new order of things, a question of mere expediency addressed to the discretion and reciprocal interests of the two countries.

Not doubting however that the measures of this Government will meet the expectations of the United States, in regard to the commercial intercourse between them, The undersigned will lay before the President who is yet absent, the note of Mr La Branche, and the accompanying Circular at the earliest opportunity after his return, in order that this Government may take the necessary action upon the subject.

I am Sir
With great consideration
Your Obt Servant

JOHN BIRDSALL

Hon. ALCÉE LA BRANCH,
Charge De affairs of
the United States of America

LA BRANCHE TO IRION.[a]

LEGATION OF THE UNITED STATES,
Houston, 29th March 1838.

The Undersigned, Chargé d' Affaires of the United States; having been informed by the honorable Secretary of State of this Republic,

[a] A. L. S.

that his excellency the President had waived, upon further consideration, all objections to the claim for the brig Pocket, and would recommend the payment thereof to Congress, has the honor to request an interview with the honorable Secretary of State, in order to bring the whole matter to a final adjustment.

The Undersigned takes this opportunity of renewing to the honorable Mr. Irion assurances of his perfect consideration and respect.

ALCÉE LA BRANCHE

The Honorable
R. A. IRION
Secretary of State of the
Republic of Texas

IRION TO LA BRANCHE.

DEPARTMENT OF STATE,
City of Houston, March 29th. 38.

The undersigned has the honor to acknowledge the receipt of the Hon. Mr. La Branche's note of to-day, requesting an interview on the subject of the Brig Pocket.

The undersigned will be happy to see the Hon. Mr. La Branche at this Department on to-morrow evening at 4 o'clock.

The undersigned embraces this opportunity of renewing to the Chargé d' Affaires of the U. States the assurances of his distinguished consideration and respect.

R. A. IRION

Hon. A. LA BRANCHE
Chargé d' Affaires of the U. S.
Houston.

HUNT TO IRION.[a]

TEXIAN LEGATION
WASHINGTON CITY
13th April 1838.

Despatch No 34.

SIR,

I have just received your letter of the 21st of March, accompanied by a full power from the President for various purposes. I communicated the fact to the Secretary of State of the United States immediately after their receipt, and am happy to inform you, that he has been instructed by the President, to open a negotiation with me imme-

[a] L. S.; postscript in Hunt's hand.

diately, for the renewal of an agreement, to appoint commissioners and time, and place, for their meeting, to establish the boundary line permanently, between the two Republics, in conformity with the treaty of the Spanish Government of 1819 and as renewed by the Government of Mexico in 1828. Mr. Forsyth has receded from his demand to establish the line the whole distance to the Pacific, and thinks it will be best for both parties to make it only so far as it is desired to be done by the Texian Government at this time.

The Government of the United States, is very desirous, I have no doubt, to procure the Bay of St. Francisco, on the Pacific, and I apprehended and have now additional evidence to convince me of the fact that, Mr. Forsyth's apparently anxious desire to make the line the whole distance to the Pacific, was to procure from me, the relinquishment of the claim of the Government of Texas, to the right of an extention of its boundary beyond what it was under the Mexican Government. And he expects, I imagine, to be enabled to pass over the claim in the arrangements which we are now making to establish the boundary, in such a manner, as to leave an impression, that the Government of Texas claimed its original boundary, only on its Northern and Eastern frontier. But I will take care in the wording of an article on the subject, that this claim to additional territory, be not overlooked. As a seperated Power, the splendid harbours on the South Sea or Pacific Ocean, will be indespensable for us; and apart from the great increase of territory by an extention of the line, the possession of the harbour of St. Francisco alone, is amply sufficient, for any increased difficulties or expence, should there be any in regard to a claim of territory to the Pacific, in a final treaty of Peace with Mexico.

My impression is that, nothing short of coercion, will afford us peace with that nation, and in the exercise of this means, to acquire it eventually, a claim to a large territory, will be as readily conceded to us, when they do so yield, as the former limits of Texas would be; and believing this, it is my duty as minister, to act accordingly, in my claim of territory for Texas, in the absence of instructions from my Government on the subject.

In my intercourse with Mr. Forsyth on the subject of limits, he mentioned, what you had written to me on the subject of, and relative to, the interchanges between the Chargé of the United States and Yourself at Houston.

I smoothed matters over as well as I could, and turned the circumstance to an argument in favour of settling, with as little delay as possible, the boundary question, which I insisted, would terminate all causes for misconceptions and misapprehensions between the two Governments relative thereto, which he conceded, and, as I have no doubt, will prove to be the case.

Mr. Forsyth mentioned to me on yesterday that, he wished to set out this evening, on a short trip to Philadelphia; I expressed a disposition to go to New York for one day, myself, and he proposed, and we agreed, to make the trip together, and complete verbally our negotiations during the progress of our travel; and that so soon as we should return, they should be finally agreed upon, and reduced to writing, and signed for the confirmation of the senate, at the earliest date practicable. The exchange of ratifications will be made in Texas, and so soon as it occurs, and the fact can be communicated officially to this Government, a commissioner will be despatched, for the purpose of complying with the terms of the treaty of limits, with as little delay as possible.

I hope to complete the treaty of amity, commerce and navigation, and of limits, and see them ratified in eight or ten days, when I will immediately proceed to Houston, at which time I will confer more fully with you on the above subjects in person, and all others connected with our foreign relations.

I have the honor to be with great regard
Your Obedient Servant,
MEMUCAN HUNT.

To The Honorable
R. A. IRION,
Secretary of State.

P. S. Insist that Congress do not adjourn until I arrive with the treaty, as it would very much delay the final adjustment of the boundary, if it does.

M. H'T.

TREATY OF LIMITS BETWEEN UNITED STATES AND TEXAS.[a]

HUNT TO IRION.[b]

TEXIAN LEGATION
WASHINGTON CITY
28th April 1838.

Despatch No. 35.

SIR,

I, herewith, transmit a copy of the treaty of limits, which I have effected with this Government. It would have been forwarded the day after it was signed, but for the delay in procuring a copy of a form of ratification. I objected to the power which it confers on the commissioners, and desired that a clause should be inserted, which would leave it discretionary with either Government, to object to the

[a] April 25, 1838. See Hunt to Irion, April 28, 1838.
[b] L. S.

agreement of the commissioners within three months or less, after they might fix and report the boundary line; but the President of the United States objected to any change in the terms of the original treaty, on the ground that, it would be necessary to make an entirely new treaty, should any portion of it be altered. I hope it may be satisfactory to the President and Senate

I shall not be enabled to leave here in less than eight or ten days for Texas, when I will take with me the original treaty, and reach Houston with as little delay as practicable. In the mean time, should the Senate wish to adjourn before I reach there, the copy I herewith send, can be acted upon, and an order made by the Senate, that the treaty be confirmed. I have procured and appended to this despatch, the form of a copy of confirmation and ratification by the President and Senate of the United States.

[a] * * * * * * *

I will defer adding any thing at large on the subject of our relations with this Govnt., and our prospects of recognition in Great Britian and France, until I reach home.

I have the honor to be your

Obedient Servet.,

MEMUCAN HUNT

To the Honorable R. A. IRION

Secretary of State.

[Here follows a copy of the treaty, certified by Hunt, April 25, 1838.[b]]

IRION TO HUNT.

DEPARTMENT OF STATE,

City of Houston, May 17th, 1838.

SIR,

[c] * * * * * * *

Under this date I have writen to you at Washington in relation to our affairs.[d]

A proposition is before Congress to authorise the President to suspend the laws of Texas in the disputed territory whenever he may deem it proper, but it is very questionable whether it will pass. I think the chances are against it.

[a] Here a paragraph is omitted relating to Hunt's financial affairs.

[b] See Calendar.

[c] The matter here omitted relates to Hunt's announcement of his intention to be absent from Washington for a time.

[d] The letter here referred to is evidently that of which the copy on file is dated May 18.

The news from Mexico is favorable to us. That country is now undergoing a revolution and in a short time, it is thought, the federal constitution will be re-established. Congress will adjourn in less than ten days.

With great respect
Yr. obt. Servant,

R. A. Irion.

Hon. M. Hunt,
Washington.

Irion to Hunt.

Department of State,
City of Houston, May 18th. 1838.

Sir,

I have the pleasure to acknowledge the receipt of your despatch No. 34.

The boundary question was laid before Congress about four weeks ago, and was referred to the Committees of the Senate and House of Representatives on Foreign Relations. The committee on the part of the House have reported, and recommended the adoption of a resolution investing the President with power to suspend the operation of the laws of Texas in the disputed territory on Red River whenever he may deem it advisable. The committee on the part of the Senate have not reported. The subject was called up in the House to-day and a slight debate ensued.

From indications evinced by certain members I do not think any discretionary power, touching this matter, will be given to the President by Congress—neither do I believe that the said laws will be changed in any respect. There appears to be a fixed determination on the part of a majority of both Houses to persist in the course which has been heretofore pursued. I may, however, be mistaken.

Under this aspect of the case, you will perceive, the only way to terminate the controversy is to run the line; the preparatory arrangements for which, it is hoped, you have ere this agreed upon with the Government of the U. States.

You seem to entertain erroneous opinions with regard to the views of this Government in relation to our western boundary line.

It is not now the desire of this Government to negotiate respecting any territory beyond the limits of Texas as established by the act of Congress. From the source of the Rio Grande the Western boundary line will run to the 42nd. degree of north latitude, intersecting at this point the line of the U. States; thence with the latter line to the 100dth degree of W. longitude from London on the Red River; thence

with said line, as agreed upon between the U. States and Spain by the treaty of 1819, to the mouth of the Sabine.

With respect to the Bay of San Francisco, the South Sea and Pacific Ocean, and the territories bordering thereon, this Government, at the present time, has no concern.

They have no connection with the negotiation now pending on the subject of boundary between this Republic and the U. States. Should the latter Power, while our limits remain as they are, acquire territory in that quarter of the world it must be by negotiations with Mexico and not with us.

If on the other hand we desire an extension of territory in that direction it is a matter between Mexico and Texas, and not with the U. States.

At a future time this Government may, and probably will, by conquest or negotiation, extend its boundary to the Pacific; but during existing relations the President cannot perceive in what manner speculations concerning the territory referred to have any relevancy to the question now under consideration.

Should the Convention of limits not have been concluded before the receipt of this, if agreeable to the U. States' Government, stipulate that it is only to be run at the present time from the 32nd. degree of north latitude on the Sabine to Red River, which is a distance of about one hundred and fifty miles.

I herewith transmit a Convention of Indemnity to American citizens, who suffered injuries by the capture of the Pocket and impressment of the Durango, recently entered into between the Chargé d' Affaires of the U. States and this Government, which has been duly ratified by the Senate of this Republic;[a] and I am directed by the President to instruct you to proceed to the exchange of the ratifications thereof as soon as circumstances will permit. Your Power is deemed sufficiently ample for this purpose.

In regard to the Treaty of Amity, Navigation and Commerce the President prefers that it should be negotiated here. The Hon. Chargé of the U. States has no power authorizing such a negotiation. Will the U. States transfer it to this place?

In the negotiation of this important treaty the peculiar condition of Texas as contrasted with Mexico should be weighed with great deliberation in order that its stipulations may establish our commercial relations with the U. States on terms of reciprocal interests.

The treaty between Mexico and the U. States, although framed as it is in the spirit of equality, contains stipulations that would be objectionable to this Government owing to the great difference between the extent, position and organization of the Government of the U.

[a] See *U. S. Treaties and Conventions*, 1078.

States and Texas. Therefore the President does not desire a hasty conclusion of the treaty.

It is the President's wish in case you are engaged in the negotiation of this treaty, notwithstanding the intimations above made, that you should continue it at Washington; but before its conclusion to communicate with this Government on the subject.

A short delay cannot operate prejudicialy to either country as our intercourse will remain in the mean time as it now exists. When your general Power was made out it was not contemplated that you would conclude such a treaty without special instructions thereon.

The President in his late address to Congress recommended the withdrawal of the proposition of annexation in the event that the present session of the Congress of the U. States should adjourn without having acted definitively thereon.

Since that time resolutions have been introduced into both Houses requiring an immediate and unconditional withdrawal, which have been lost principally on the ground that the proposition was made in accordance with a vote of the people, and ought therefore to be withdrawn on the same authority.

The news from the interior of Mexico is favorable to Texas.

That country is in commotion, and it is supposed by those most acquainted with her political condition, that the constitution of '24 will shortly be reestablished, and Santa Anna placed again at the head of affairs.

The Ports of Mexico are blockaded by the French.

[a] * * * * * * *

I have the honor to be, Sir, with great respect your
obt. Servant,

R. A. IRION.

Hon. M. HUNT,
Minister Plenipotentiary of Texas,
Washington City.

IRION TO HUNT.

DEPARTMENT OF STATE,
City of Houston, May 19th. 1838.

SIR,

Should the present session of the Congress of the United States adjourn without having acted definitively on the proposition for the annexation of this Republic to that of the U. States, you are hereby

[a] Here is omitted a brief statement as to Catlett's salary.

instructed, by direction of the President, to withdraw immediately thereafter the proposition aforesaid.

I have the honor to be, Sir,
yr. obt. Servant,

R. A. IRION.

Hon. M. HUNT, *Minister Plenipotentiary of the Republic of Texas,*
Washington City, D. C.

HUNT TO FORSYTH.[a]

FORSYTH TO PRESIDENT OF UNITED STATES [VAN BUREN].[b]

HUNT TO SECRETARY OF STATE OF TEXAS [IRION].[c]

[Hunt tenders his resignation as minister.[d] He will bring the original treaty of limits with the United States to Irion by the boat leaving New Orleans June 15.]

IRION TO GRAYSON.[e]

DEPARTMENT OF STATE,
City of Houston, June 12th. 1838.

SIR,

It is the wish of the President that you will proceed as expeditiously as possible to Washington, and assume the duties which will devolve on you as Minister Plenipotentiary of this Government near that of the United States of America.

You will on your arrival there take possession of the Archives of the Texian Legation.

With regard to the line of policy which has been pursued relative to the Diplomatic relations between the two Governments, I refer to instructions heretofore given, which will be found among the papers of the said Legation.

With respect to the present condition of Texas, and its policy, both foreign and domestic, you are well informed; and the President having full confidence in your prudence and capacity, relies much on the

[a] May 22, 1838. See Eve to Roberts, November 6, 1841.
[b] May 31, 1838. See Catlett to Irion, June 22, 1838.
[c] June 5, 1838. Written formally in the third person and unsigned.
[d] The resignation was accepted in Irion's reply, June 12.
[e] Grayson did not enter on the duties of his office as minister to the United States.

xercise of your discretion and judgement in the management of our iplomatic affairs at Washington, being assured that you will act in manner best calculated to advance the true interests of the country. Jnder these circumstances detailed instructions are deemed unnecesary at the present time.

The Convention of Limits having been ratified by this Government, nd it is presumed ere this, by that of the U. States also, you will proceed to the exchange of its ratifications at the earliest possible eriod.

The peculiar situation of the inhabitants near our North Eastern Boundary renders a speedy action on this subject extremely desirable nd important. You will, therefore, after such exchange shall have aken place, urge the necessity of the immediate attention on the part f the U. States to the appointment of the Commissioner etc. contemplated by the said Convention. Concerning the Escort mentioned in he Convention none will be required except the number actually ecessary to perform the work; for the whole distance intended to be un and marked at the present time is not more than 140 or 150 miles, which is through a populated country.

It is sincerely hoped that no further impediments will be presented o the definitive and satisfactory adjustment of this question, which as given rise to so much inconvenience to the population referred to, nd solicitude to this Government.

I am directed by the President to renew the instructions heretofore given respecting the proposition of annexation. Should the present session of the Congress of the U. States adjourn without having acted finally on this subject, you will immediately after such adjournment withdraw the proposition.

The pendency of this question, as you are well aware, has, and is still embarrassing our negotiations in Europe; which circumstance, nasmuch as the Government of the U. States has declined to entertain the proposition, and no prospect now exists that the measure can e renewed, renders it expedient that this question, so far as the proposition adverted to is concerned, should be finally disposed of without further delay.

When you withdraw the proposition as above indicated you will immediately inform our Diplomatic Agent, Gen. J. P. Henderson, near the Governments of Great Britain and France thereof, in order that he may be in possession of the fact at the earliest possible period. I have informed him that such notice will be given.

I have the honor to be, with great respect your Obt. Svnt.

R. A. Irion

Hon. P. W. Grayson,

Minister Plenipotentiary of R. Texas near the Govmt of the the U. States, Washington City.

CATLETT TO IRION.[a]

TEXIAN LEGATION
WASHINGTON CITY
June 22nd. 1838.

Despatch No 36.
Sir,

I have the honor to acknowledge the receipt of your despatches of date 18th and 19th. ultimo, addressed to Genl. Hunt, together with the convention of indemnity to American citizens for losses sustained by the brigs Pocket and Durango.

I have had several interviews with the Secretary of State on the subject of the treaty of indemnity and although he evinced a disposition from the first to accept it and have it ratified on the part of the United States, he seemed to be in much doubt as to whether it would be received, on account of its not having been ratified by the President under the great seal of the Republic of Texas;—both of which were indispensable to the full and formal completion of the treaty and were of course necessary, before the ratifications could be regularly exchanged. Another difficulty in the way of the exchange of the ratifications was my having no specific power for the purpose.

In consideration however of the smallness of the amount involved and the unimportance of the transaction, (there being no danger of the act being hereafter disavowed on the part of Texas) he yesterday agreed to waive these objections and accept the treaty as it now stands. He told me that he would have the necessary papers prepared and send for me when they were ready. So that in the course of a day or two, I expect to have the pleasure of notifying you of the satisfactory settlement of this matter.

I have the pleasure to inform you, that Mr. Forsyth has authorised me to say that no objection would be made to the negotiation of a Treaty of Amity at Houston instead of this City if the former place were preferred by the Government of Texas, and that proper instructions to that end would be forwarded to Mr. Labranche in case of the treaty with Mexico being objected to on the part of Texas and a new Treaty being desired. He appeared to be under an impression from information he had received from Mr. Labranche, that Texas was unwilling to admit that the old treaty was binding upon her. He said that he had written to Mr. Labranche for the purpose of being more definitively informed upon this head.

In a few days I shall be able to give you some definite intelligence as to the action of Congress upon the subject of annexation. Mr. Preston's resolutions have been laid upon the table in the Senate by

[a] A. L. S.

vote of 24 to 14. In the House, the whole subject was originally re-red to the Committee on foreign relations, together with sundry titions and resolutions relating thereto, and that Committee have ely reported that there was *no proposition before the House for the nexation of Texas*, and on that ground asked leave to be discharged om the further consideration of the subject. Whereupon Mr. Cush-g of Massachusetts moved a recommitment to which Mr. Adams oved an amendment, that it be *recommitted* with instructions to port "that any attempt by act of Congress or by treaty to annex e Republic of Texas to this Union would be a usurpation of power, lawful and void, and which it would be the right and duty of the ee people of the Union to resist and annul." This amendment is ow before the House and Mr. Adams has been occupying the morn-g hour upon it for several days. But I have no doubt that it will e defeated and cut off by the force of the previous question, and at the report of the committee will be sustained. Upon this subject owever I shall be able to write to you explicitly and in full in the ourse of a few days.

The following is a copy of an official letter of the Secretary of tate to the President of the United States in answer to a call upon he Executive by the House at Mr. Adams' instance.

"DEPARTMENT OF STATE
Washington [City,] May 31, 1838.

To the PRESIDENT OF THE UNITED STATES

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 28th instant, requesting the President o communicate to that House if not incompatible with the public in-erests, any correspondence, not heretofore communicated, between his Government and that of the Republic of Texas, and also with he Government of any other country, relating to the annexation of he said Republic of Texas to the United States; and to inform the House whether the application of the said Government of Texas to he United States for admission into this Union, has been withdrawn, has the honor to report to the President, that all the correspondence between this Government and that of Texas, respecting the annexa-ion of that Republic to the United States has been already communi-cated to the House of Representatives, and that the proposition of annexation made by the Texian Government, having been disposed of in that correspondence, has not been since deemed within the control of the United States.

No correspondence upon the subject of such annexation has taken place between this Government and that of any other country. All which is respectfully submitted

JOHN FORSYTH."

You will perceive from this letter that no proposition for the annexation of Texas as coming from Texas is regarded as now pending before the Executive Department;—and should the Report of the Committee on Foreign Relations be sustained, of which I have no doubt, the House will have declared that there is no proposition of the kind at present pending before it;—and the Question in the Senate having been laid on the table, is it not clear that the matter at the adjournment of Congress will be in its original condition, entirely open and untrammelled, and in such a condition that negotiations may be either commenced de novo on the part of Texas, or dropped altogether and forever without the slightest necessity of her saying another word upon the subject, and the whole matter suffered to sleep until the United States think proper to come forward and make the proposition themselves? It would then be for Texas to say whether she would accept it or not.

According to present appearances Congress will adjourn on the 9th of July.

I have the honor to remain
Your obedient servant

FAIRFAX CATLETT

Hon'ble R. A. IRION
Secretary of State
Republic of Texas.

IRION TO LA BRANCHE.

DEPARTMENT OF STATE
City of Houston June 23rd 1838

Sir

With regard to your note of the 23rd March, transmitting a copy of the Treasury Circular, of the United States, dated 2nd February, by which the fifth and Sixth Articles, of the Treaty of Amity, Navigation, and Commerce, existing between the said U. States and Mexico, are declared to be binding on Texas.

I have the honor to state, that the President, having considered the subject, directs me to inform you, that the stipulations indicated by the Circular, will be observed by this Government.

The application on the part of the U. States relative to the treaty aforesaid, calling on this Government, for a declaration, whether or

not it considers the whole treaty obligatory, has also been submitted to His Excellency, for consideration, respecting which, I am likewise directed to state, that it will be observed by this Government, till a new treaty shall be formed.

The pendency, of the proposition for the annexation of Texas, to the U. States, and a desire on the part of this Government, should the proposition not succeed, to form at the earliest practicable period, a new treaty, with that Government, induced the President, to hope, that no emergencies would again arise, while that question remained undetermined, requiring further action on the said treaty, believing at the same time, in as much as the condition of Texas, in many important respects, differs materially, from that of Mexico, that the commercial interests of the United States, and this Republic, could be more satisfactorily arranged, by a new one, framed with a view to the relative position, political organization, extent, resources etc, of both Governments

R. A. Irion

Hon. A. La Branche,
Chargé d'affaires of the United States. Houston.

La Branche to Irion.[a]

City of Houston, *June 28th. 1838.*

Sir,

In an interview I had the honor to have with the President yesterday, his Excellency informed me of his intended departure on the 2d of July on a tour through various Indian tribes, and that he would be absent several months. As there are no matters now pending between the two governments, and believing that during his absence nothing of importance can be done, I have the honor to apprise you of my intention to leave the seat of government for a visit to Louisiana. Should any business present itself during that interval I shall be ready to repair immediately to the city of Houston.

With the highest regard
Your most obnt. Servt.

Alcée La Branche.

Honble. R. A. Irion.
Secretary of State.

[a]A. L. S.

CATLETT TO IRION.[a]

Despatch No. 37.

TEXIAN LEGATION,
Washington, July 7th 1838.

Sir,

I have the honor to inform you that the ratifications of the convention between Texas and the United States, relative to claims in the cases of the brigs Pocket and Durango, have been regularly exchanged. The following is a copy of the certificate of exchange.

"We, Fairfax Catlett, Chargé d' Affaires of the Republic of Texas, accredited to the Government of the United States of America, and John Forsyth, Secretary of State of the said United States—certify that the Ratifications of the Convention between the Government of the United States of America and the Government of the Republic of Texas to terminate the reclamations of the former Government for the capture, seizure, and detention of the brigs Pocket and Durango, and for injuries suffered by American citizens on board the Pocket, signed at Houston on the eleventh day of April one thousand, eight hundred and thirty eight, have this day, with all due solemnities and after due comparison, each with the other and both with the original example of said Convention, been exchanged by Us.

In witness whereof, we have signed this Act, in duplicate, and have sealed the same with our respective seals at Washington, this sixth day of July, in the year of our Lord one thousand, eight hundred and thirty eight.

(seal) FAIRFAX CATLETT
(seal) JOHN FORSYTH

In exchange for the copy of the convention which I placed in his hands, being the same as was transmitted by you, Mr. Forsyth gave me a formally ratified copy on the part of the United States:—this copy being handsomely bound in black velvet, and having the great seal of the United States suspended from it with large tassels, and the whole, when enclosed in its case, presenting the form and appearance of a splendidly bound folio volume. A similar ceremonial was expected to have been observed on the part of Texas, but this being impracticable under the circumstances, he had agreed to waive any difficulties on this score as I mentioned in my last despatch.

[a] A. L. S.

The ratification of the President is couched in the following terms.

Martin Van Buren
President of the United States of America.

To all and singular who shall see these presents, Greeting.

Whereas a Convention between the Government of the United States of America and the Government of the Republic of Texas, to terminate the reclamations of the former Government for the capture, seizure and detention of the Brigs Pocket and Durango, and for injuries suffered by American citizens on board the Pocket, was concluded and signed by Alcée La Branche, Chargé d' Affaires of the United States, and R. A. Irion, Secretary of State of Texas, in the City of Houston, on the eleventh day of April, one thousand eight hundred and thirty eight, which Convention is word for word as follows.

[a] * * * * * * *

And whereas the Senate of the United States, by their Resolution of the thirteenth day of June, one thousand, eight hundred and thirty eight, two thirds of the Senators present concurring, did advise and consent to the ratification of the said convention.

Now, Therefore, I, Martin Van Buren President of the United States of America, having seen and considered the said Convention, do, in pursuance of the aforesaid advice and consent of the Senate of the United States, by these presents accept, ratify and confirm the said Convention and every article and clause thereof.

In faith whereof, I have caused the seal of the United States of America to be hereunto affixed.

Given under my hand at the City of Washington, this twenty first day of June, in the year of our Lord, one thousand, eight hundred and thirty eight, and of the Independence of the United States the sixty second.

M. Van Buren.

By the President,
John Forsyth,
Secretary of State.

I shall send you the treaty by the first safe opportunity, which presents itself.

Very truly and respectfully—
Yr. obedient servant

Fairfax Catlett

Hon'ble
R. A. Irion.
Secretary of State.

[a] The asterisks are the punctuation of the dispatch and indicate the omission of the convention in that document. For reference to the text of the convention, see Calendar.

[Enclosed is one of the duplicate originals of the certificate of exchange of ratifications with the signatures and seals of Forsyth and Catlett; a copy of Van Buren's ratification with his signature and that of Forsyth; and a newspaper clipping containing Van Buren's proclamation of the treaty.]

CATLETT TO IRION.[c]

Despatch No. 38.

TEXIAN LEGATION
WASHINGTON CITY
July 12th. 1838.

Sir,

Congress adjourned on the 9th instant. without having come to any definitive action upon the question of the annexation of Texas.

I stated in my despatch, No. 36, that the whole subject had been laid on the table in the Senate, and that I thought it more than probable that it would be disposed of in the same manner in the House;—particularly as such a course had been recommended by the Committee of Foreign Relations, as you will perceive in reading their Report of which the following is a literal copy.

"Mr. Dromgoole, from the committee on Foreign Relations, made the following report which was read:

The Committee on Foreign Affairs, to whom was referred sundry Executive communications, and resolutions of State Legislatures, together with numerous petitions and memorials, relating to the annexation of Texas to the United States, presented at the late and present session of Congress, report:

That there is now no proposition, pending in this House either for the admission of the Republic of Texas, as a state into the Union, or for its territorial annexation to the United States.

The committee do not deem it advisable to recommend any action on the part of the House of Representatives, calculated to prejudge any such proposition should it hereafter be formally submitted for decision, or to forstall public sentiment in relation thereto. In consideration whereof, the following resolution is reported:—

Resolved, That the Committee on Foreign Affairs be discharged from the further consideration of the whole subject, and that all the papers relating thereto, and to them referred, be laid upon the table."

It is still my opinion that this Report would have been sustained by a large majority in the House, but for the unexpected course of Mr. Adams.

[c] A. L. S.

This gentleman, as I have already had occasion to inform you, took the floor about three weeks before the adjournment of Congress upon his motion to recommit with instructions to report adversely; and being, by a rule of the House, confined to the first hour of each morning, he was enabled to protract his remarks to the close of the session, and thereby defeat any definitive action. The report of the Committee, therefore, as well as all incidental questions, will pass over as unfinished business, and will, as a matter of course, claim the attention of Congress at its next session, if not otherwise disposed of in the meantime.

Mr. Adams, in the course of his remarks, frequently designated the question of annexation as an ultra-administration measure, and as you will doubtless see in his published speech, (a copy of which will be sent to you as soon as it appears in pamphlet form,) he laboured unremittingly to prove that the present relative positions of Texas, Mexico and the United States were all brought about by the connivance of this Government and its *deep* duplicity towards Mexico.

The report of the Committee, asking to be discharged from the further consideration of the subject for the reasons heretofore stated, would, if it had met with the quiet approbation of the House, certainly have left the whole matter in the most favorable attiude in which it could have been placed at this time and under the existing organization of parties, and such I have no doubt was the wish and intention of the Committee. Such a result would have been at worst equivocal, while I am fully assured, that any direct action upon the question of annexation would have been conclusively against Texas in all its bearings. As it is, the whole subject remains suspended until the next session.

In relation to your instructions to Genl. Hunt to withdraw the proposition for the annexation of Texas to the United States, in case of no definitive action being had upon the subject during the late session of Congress (which instructions arrived after the General had left this City for Texas,) it was at first a question with me, whether it did not regularly devolve upon myself as a part of my duty to have them executed as nearly as possible according to their spirit;—I say as nearly as possible according to their *spirit*, because, from my acquaintance with the position of the negotiation here, I was entirely satified that a *literal* execution of them was impracticable, there being (as was before stated) no proposition, as coming from Texas, still pending before this Government, and therefore, none to be withdrawn.

The proposition, which was made by General Hunt on the part of Texas (, the only formal proposition for annexation made in her behalf) was rejected absolutely and unconditionally, and not even reserved for future consideration—(i. e. during the present relative

condition of the three parties);—and as Mr. Forsyth himself affirmed in his letter to the Executive, (a copy of which was sent you in my despatch No. 36), the subject was no longer considered as within the control of the United States. In what manner then can a proposition be withdrawn, which is not even admitted to exist? Is it not self-evident, that that which has already been finally rejected cannot be thereafter withdrawn?

It is equally clear that the action on the subject in Congress was not and could not have been legitimately predicated on any proposition coming from Texas herself, there being no such proposition pending, (the proposition which was made on her part having been disposed of and gone back into her own hands). No: it was predicated on the petitions and memorials of their own citizens, and the Resolutions of their own State Legislatures. The question with Congress in this view *necessarily* was, not whether the proposition of Texas should be *accepted*, but whether they themselves should make a *new* proposition on their own part to Texas. For, supposing that Congress were to determine in favor of the expediency of the measure, it would then become the duty of the Executive here to open a negotiation de novo, and Texas would then be, not in the attitude of the party *suing*, but of the party *sued*.

According to this view of the matter, the question of annexation is entirely open and untrammelled, and Texas in such a condition, that she can either commence the negotiations anew, or drop them altogether;—wait for an overture to be made on the part of the United States, or protest if she please, against its being made a question in the Congress of the United States whether her sovereignty shall or shall not be immersed in that of the United States;—and, inasmuch as she is very generally, although erroneously regarded as still in the attitude of a suitor to the United States for admission into their Union, she might seize the first fit occasion, which presents itself, to place herself in her true position, and disabuse the minds of all concerned by explicitly declaring to this Government that she is no longer an applicant for admission.

I have taken the liberty of throwing out the above ideas upon the subject of the instructions, well knowing, that whatever of reason they contain will be obvious to you upon perusing them, and permit me to say with a hope that they may lend some aid in ascertaining the best course of policy to be pursued.

The appointment of Col. Grayson, as Minister to this Court, will of course render it improper for me to act at all in the premises. He is, doubtless, invested with sufficient discretionary power to pursue the course, which he may deem most advisable.

The army of the United States has been considerably increased by a late act of Congress, augmenting it by an addition of 4,500 men;—a

large portion of this additional force being intended for the protection of the South Western frontier of the United States.

Considerable apprehension has been felt here, lest the Indians on that frontier should prove troublesome.

I send you herewith a copy of the Report of the Committee on Foreign Affairs on the present attitude of the relations between the United States and Mexico.

I have the honor to remain, with great consideration,

Your obedient servant,

FAIRFAX CATLETT.

Honorable R. A. IRION,
Secretary of State,
Republic of Texas.

CÓRDOVA TO FLORES.[a]

CATLETT TO IRION.[b]

NEW YORK
July 29th 1838.

DEAR SIR,

When I wrote my last despatch I was fully under the impression that Col Grayson (of whose melancholy fate you have doubtless already heard) had been appointed Minister to Washington: nor was I apprised of the mistake until a few days since. So far as the business of the Legation is concerned, I am not aware that it has made any difference; not having any power, myself, to act in a matter involving so much discretion as the instructions to Genl. Hunt, relative to the withdrawal of the proposition for the annexation of Texas to the United States.

There remaining nothing on hand that could be attended to immediately, and indeed scarcely any one in Washington to do business with, the state of my health too being very bad and requiring a change I have taken advantage of an interval of general leisure and recreation to visit my connexions in this city. For fear however lest something should transpire of sufficient consequence to call me back to Washington, I engaged Sandy Harris Esqr to take charge of the papers and give me the earliest information of any business which might arise. Mr Harris is a gentleman of worth and trust, and having been connected with the Legation for several months past, first as private

[a] July 19, 1838. See Burnet to Dunlap, May 30, 1839.
[b] See Records of the Department of State (Texas), Book 41, p. 190.

Secretary to Genl Hunt, and afterwards as under Secretary to the Legation, I feel no apprehension that the business of the Legation will in any manner suffer during my absence. Should any dispatches arrive, they will be sent on to me immediately.

My principle object in writing to you at this time is to signify my desire to resign the situation, which I have the honor to hold in the Legation at Washington, and to request that the President will appoint some one in my stead. This request will not, I am sure, be deemed unreasonable, when it is considered how long I have served in my present capacity. The interests of the Legation are of course regarded by me as of paramount importance to any private interests of my own, and it will be incumbent upon me to remain and see that they are properly attended to, until some one is sent to relieve me. Still my circumstances are such as to put it out of my power to remain much longer in Washington and to render me extremely anxious to return to Texas at an early day. I hope therefore that the President will find it convenient to gratify me in the above request.

[a] * * * * * * *

It was rumored here yesterday that the Commissioners under the Loan Act had succeeded in obtaining two Millions from Mr Biddle for 14 years at ten percent, and also that he had agreed to advance upon the cotton of Texas at a stipulated rate. I am disposed however to doubt the correctness of the report. I saw Mr Burnly a few days since, who then spoke doubtingly of success. He and Mr Williams are still in Philadelphia, I believe.

Please present my respects to the President

With great regard, I am very truly

Your Friend and Obdt servt.

FAIRFAX CATLETT.

Honl. R. A. IRION

IRION TO JONES.

DEPARTMENT OF STATE,
City of Houston, Augst. 7th. 1838.

SIR,

I have the honor hereby to acknowledge the receipt of Mr. Catlett's communication of the 12th ultimo. I am happy to learn that the Convention of Indemnity to American citizens for the injuries sustained on account of the capture of the Pocket and Impressment of the Durango by officers of this Government, has been ratified by the U. States. You will find by reference to the Despatch above alluded to that Mr. Catlett has come to the conclusion that a formal

[a] Here is omitted a paragraph relating to Catlett's financial affairs.

withdrawal of the proposition [of annexation] is not necessary; still it would seem that the matter is questionable. In regard to this subject your instructions are positive and it is confiden[t]ly expected that you will act in accordance therewith.

Our North Eastern boundary should be defined as speedily as possible, and the President expects that you will use every effort to procure, at the earliest practicable period, the appointment of the Commissioner etc. on the part of the U. States.

According to the Convention of limits the Commissioners are to meet at New Orleans; and the facilities which S. Boat navigation now affords will enable this Government to be prompt in the matter.

It is a subject of gratulation to this Government that the Army of the U. States destined for the protection of their South Western frontier has been increased; for the greatest apprehension we have with respect to enemies is, that the Indians inhabiting that border may be induced to pass the line, and assume a hostile and formidable attitude towards the people of Texas.

This measure of the U. States Government, its execution devolving as it does on Gen. Gaines, whose discretion, experience and great energy in military affairs [are well known], must tend to quiet the turbulent recklessness of the Indians who have been removed west of the Mississippi. This Government, you know, apprehends more danger from them than the Mexicans. You are also aware that the Cadoes have been influenced to leave the country which they occupied on Red River, and have established themselves permanently in Texas, and are now associated (and have been for about two years past) with the most hostile of our native Indians.

The President is now absent at Nacogdoches, and we learn is enjoying excellent health.

Such rumors as we had prior to your departure, with respect to hostilities in the West, continue to arrive; but from the most authentic and recent information the troubles seem to be confined to robbing parties; conducted by individuals for the purpose of accumulating property. They appear to have no national character.

Gen. Henderson's first Despatch from France, dated, June 2nd. was received on yesterday. He had had an interview with Count Molé, Minister for foreign affairs.

Nothing definite or conclusive took place relative to our recognition by that Government. Nothing unfavorable occurred.

Make my compliments to Mr. Catlett.

I have the honor to be with great respect your

Obt. Servant

R. A. Irion.

Hon. Anson Jones,
Minister Plenipotentiary of Texas,
Washington, D. C.

JONES TO FORSYTH.[a]

VAIL TO JONES.[a]

IRION TO JONES.

DEPARTMENT OF STATE
City of Houston, Sept. 7th, 1838.

SIR,

I had anticipated the pleasure of hearing from you by the last Columbia. The Mail, however, is barren.

Permit me to urge upon you the importance of consummating the arrangements for settling our boundary question with the least possible delay.

Great solicitude is felt on this subject, not only, by the portion of our citizens within the disputed territory, but by the whole country and the Government.

Enclosed I send you the note of the Hon. John Forsyth, Secretary of State of the U. States, to the Hon. Memucan Hunt, late Minister of this Republic acknowledging advice of the appointment of Fairfax Catlett as *Chargé* of the legation in his absence etc. which you will file with the papers of the legation.

Accept the renewed assurances of my consideration etc.

R. A. IRION.

Hon. ANSON JONES, *Minister etc.*
near the Govmt of the U. States,
Washington.

JONES TO IRION.[b]

TEXIAN LEGATION,
WASHINGTON CITY,
Sep. 26th. 1838.

Despatch No. 39.

SIR,

I have the honor to inform you that I arrived in this City on the 23d. ult. and entered upon the discharge of the duties of my mission. On the 24th instant, I addressed the following note to the Secretary of State.

[Here follows a transcript of Jones to Forsyth, August 24, 1838, asking an interview to present credentials.]

[a] August 24, 1838. See Jones to Irion, September 26, 1838.
[b] L. S.

On the 27th I received the following reply from M. A. Vail, acting Secretary of State.

[Next is transcribed Vail to Jones, August 24, 1838, stating in reply that the absence of the President and Secretary of State makes the interview impracticable, but that if Jones should meanwhile have occasion to send any communication informally to the Government it will be laid before the Secretary without unnecessary delay.]

Finding from this, that nothing effectual could be done until the return of Mr. Van Buren, which was uncertain, I embraced the opportunity, afforded by the interval, in looking over and making myself acquainted with the various documents and despatches on file in the Legation, which being numerous, occupied my time until the 3d. instant, when I had the honor of receiving by Mr. Gray, your despatch of the 7th. Aug. last. In compliance with the instructions that I should render every assistance to the commissioners appointed to negotiate the Loan, and believing that I could do this most effectually by being with them, and the President still continuing absent, I left the next morning for Philadelphia, at which place I found both Mr Burnley and Mr. Williams, to whom I communicated the instructions I had received. As the progress and result of this negotiation will be communicated to the Government by the Commissioners themselves, it will be unnecessary for me to say any thing on the subject, except that I believe every possible exertion is being made by them and should they fail of success, that it will be from the concurrence of circumstances and events which they cannot obviate nor control. I again returned to Washington on the 24th. and last evening had the pleasure of receiving your despatch of the 7th. Sept. instant. The President has not yet returned. I called informally to day at the State Department with Mr. Catlett and was very politely received by Mr. Vail, acting Secretary (Mr. Forsyth being absent) with whom I had an interview of half an hour. My principal object in making this informal visit was to ascertain if any thing could be done to accelerate the settlement of the boundary question, previous to my formal presentation as Minister. I embraced the occasion to express to Mr. Vail the strong desire, felt by the Government of Texas for the speedy adjustment of this important subject and my own anxiety to proceed to the discharge of my official duties in relation to the same. Mr. Vail, in reply, informed me that nothing could be done until the return of the President, particularly, as his signature had not yet been given to the Ratification of the Treaty of Limits, but that he would be ready immediately upon the return of Mr. Van Buren, which was now daily expected, to proceed to the exchange of the Ratifications. I shall be prepared on my part and ready to make

the exchange at the earliest possible moment. I much regret the delay, which has already occurred, and but for my great desire to have been enabled to communicate the consummation of the matter before this time, I should have written you much sooner.

I have the honor to be with high consideration

Your obedient servant,

ANSON JONES.

Hon. R. A. IRION,
Secretary of State.

JONES TO VAIL.[a]

VAIL TO JONES.[b]

JONES TO VAIL.[c]

VAIL TO JONES.[d]

JONES TO IRION.[e]

TEXIAN LEGATION,
Washington, Oct. 13th 1838.

Despatch No. 40.

SIR,

My Despatch, marked No. 39, of the date of Sept. 26th. will have informed you of all that had occurred up to that time. The President of the United States returned to this City from his protracted visit to Virginia, on the 2nd Instant, and Tuesday, the 9th. was fixed upon for my being presented to him. Accordingly, on that day, at the appointed hour, I called at the State Department, and accompanied by Mr. Vail, the acting Secretary of State, (Mr. Forsyth being absent on a visit to Georgia) I went to the Executive Mansion and was introduced to the President by him. His Excellency received me with great kindness and civility. Upon delivering my letter of credence, I said

[a] October 10, 1838. See Jones to Irion, October 13, 1838.
[b] October 11, 1838. See Jones to Irion, October 13, 1838.
[c] October 12, 1838. See Jones to Irion, October 13, 1838.
[d] October 13, 1838. See Jones to Irion, October 13, 1838.
[e] L. S.

["]Mr. President,

I have the honor to present you this Letter from the President of the Republic of Texas, accrediting me as Minister Plenipotentiary to this Government. In delivering this, I have it especially in charge to assure your Excellency of the continued friendly feelings of the Government and people of Texas towards the Government and People of the United States, and to express their sincere and ardent wishes for your own future happiness and prosperity, and that of the Country over which you preside.

For my own part, I consider myself most fortunate, Sir, in having the distinguished honor of appearing before the Chief Magistrate of this great, free and happy nation, as the Diplomatic Representative of my adopted country; and it will ever be my greatest happiness, as it is my imperative duty in the discharge of my official functions, to promote, by every means in my power, the friendly relations now so happily existing between Texas and the United States, and the reciprocal interests of the two Governments."

To which Mr. Van Buren replied.

["]It gives me much pleasure, Sir, to receive you as the accredited representative of the Republic of Texas, and I reciprocate very cordially the assurances of good will, which you have expressed in behalf of the Government and People of Texas towards the Government and People of the United States. The motives to the cultivation of the most liberal and friendly relations between the two countries are too numerous, and the interests of both, in their maintenance, too obvious, to allow them to be disregarded by the Government of either. In your personal dispositions to promote so desirable a result, I have the fullest confidence, and you may confidently rely on our cordial cooperation in any proper measure, that shall be calculated to advance it."

On the following day, Oct. 10th. I addressed the subjoined note to the Secretary of State, on the subject of exchanging the Ratifications of the Treaty of Limits.

TEXIAN LEGATION,
Washington, Oct. 10th. 1838.

A. VAIL Esquire
etc, etc, etc,

SIR,

It is stipulated in the Convention for marking a portion of the boundary line between Texas and the United States, signed by their respective Plenipotentiaries in this City, on the 25th day of April last, that the Ratifications of the said Convention shall be exchanged in this City, within the term of six months from the date of the signature. This term will expire on the 25th. Instant. I am now

prepared to make the exchange on the part of Texas, and would thank you to inform me, if you are ready to act, for that purpose, on behalf of your Government, and, if so, to inform me at what time it will suit your convenience to proceed to make the exchange.

I embrace this opportunity to offer you the assurances of my high consideration.

(signed) ANSON JONES.

To this note he returned the following answer—

DEPARTMENT OF STATE
Washington [City,] 11th Oct. 1838.

ANSON JONES Esquire,
Minister Plenipotentiary of the Republic of Texas.

SIR,

I have had the honor to receive your note of yesterday, stating that, agreeably to a stipulation in the Convention for marking a portion of the boundary line between the United States and Texas, signed on the 25th. of April, last, you are prepared to proceed, on the part of Texas, to the exchange of the ratifications of said Convention, whenever I might be ready to meet you for that purpose on the part of the United States, and asking to be informed of the time, when the exchange may be effected.

I take great pleasure in stating to you that, tomorrow, Friday, at twelve o'clock, I shall be ready to make the exchange, and for that purpose shall be happy to receive you at that hour at the Department of State.

Be pleased, Sir, to accept, on this occasion, the assurance of my very distinguished consideration.

(signed) A. VAIL
Acting Secretary of State.

I accordingly attended at the Department at the time fixed, when the Ratifications of the Convention were exchanged in the usual form.[a] I embraced the occasion to repeat the strong desire of the Government of Texas to have this question settled by running the line etc etc. Mr. Vail informed me, that he presumed the President would not delay the appointment of a Commissioner. The same day, I addressed the Secretary of State the following note, withdrawing the proposition for the annexation of Texas to the United States.

[Here follow copies of Jones to Vail, October 12, 1838 and of Vail to Jones, October 13, 1838.[b]]

[a] One of the duplicate originals of the certificate of exchange signed by Jones and Vail and one of President Van Buren's certification are on file with the correspondence.

[b] See Calendar.

I have written under date of to day, in duplicate, to Genl. Henderson and informed him of the withdrawal of the proposition for the Annexation, as you requested. My letter will go by the Royall William and reach London in course about the 6th of November.

I have the honor to be with the highest respect, Sir,

Your most Obt. Servt.

ANSON JONES.

Honorable
R. A. IRION,
Secretary of State Republic of Texas.

LA BRANCHE TO IRION.[a]

LEGATION OF THE UNITED STATES,
Houston, November 16th 1838.

SIR,

In your letter of the 23d of June last, in reply to a communication of mine transmitting a Circular from the Treasury Department of the United States, I was informed "that the stipulations indicated by the Circular would be observed by this Government;" and I entertained the confident belief that the necessary orders had been given to your fiscal officers to that effect. I have learnt, to my surprise, that, contrary to your assurances, the tonnage duties are still exacted in the ports of your Republic, upon vessels of the United States, while those of Texas are, in our ports, admitted to the full benefit of the stipulations in question.

I have it in charge from my government, to lay this representation before you, under the expectation that such instructions will be given to your fiscal officers as will ensure the exact fulfilment of the 5th and 6th articles of the Treaty with Mexico. I am also directed to apply for the restitution of the amounts of all discriminating tonnage duties, which have been levied upon vessels of the United States since the 5th of April last. This is but an act of simple justice as the money paid has been exacted without regard to a positive understanding and in violation of the principles of reciprocity.

With sentiments of the highest respect,

I am Sir your obdt. Servant,

ALCÉE LA BRANCHE.

Honorable R. A. IRION,
Secretary of State of the
Republic of Texas, Houston.

[a] L. S.

JONES TO IRION.[a]

TEXIAN LEGATION,
Washington, 16th Nov. 1838.

Despatch No. 41.

SIR,

I have waited, and delayed writing you untill the arrival here of the letters, brought by the Packet Columbia of the 22d. Ultimo. in hopes of receiving letters from the Department by that opportunity None, however, came to hand, and the last communication which I have received was your despatch under date of the 7th. of September Ultimo, the receipt of which I had the honor to acknowledge in a former Despatch.

I have had safely packed in a box the Ratifications of the Treaties of Indemnity, and of Limits with this Government: and forwarded the same to you, through our Consul. Mr. Henry H. Williams of Baltimore and directed to the care of Mrssrs McKinney and Williams of Galveston. The Box was sent by Mr. Williams per the Schooner Axis from that post for Galveston on the 7th Inst in the charge of Captn. John Allen her commander. who promised to take it in his Cabin, and deliver it as directed

Hoping that these may come safely to hand and be found in due form, I remain,

with the highest Respect
Sir,
Your most obt. Svt.

ANSON JONES.

Hon. R. A. IRION,
Secretary of State of the Republic of Texas.

ACCOUNT OF DEAN AND CAMPBELL.[b]

JONES TO FORSYTH.[c]

IRION TO JONES.

DEPARTMENT OF STATE,
City of Houston, Nov. 29th. 1838.

SIR,

I have the honor to acknowledge the receipt of your 39th. and 40th. dispatches.

[a] A. L. S.
[b] November 20, 1838. See La Branche to Burnet, June 18, 1839.
[c] November 26, 1838. See Jones to Bee, January 21, 1839.

The President is gratified to learn that the ratifications of the Treaty of Limits between Texas and the United States have been exchanged; and is extremely desirous that the Commissioner and Surveyor therein provided for, should be appointed on the part of that Government with as little delay as possible; in order that this troublesome question, which has occasioned so much inconvenience to this Government, and dissatisfaction to the citizens of that border, may be set at rest.

Shelby Corzine having declined to accept the appointment of Commissioner on the part of this Government the President, during the recess of Congress, appointed Charles S. Taylor in his place, on whose nomination the Senate has not yet acted.

The treaty of Limits and the Convention of indemnity to American citizens for injuries sustained in consequence of the capture of the Pocket and impressment of the Durango, have both been promulgated in the usual form, by proclamations of the President.

The people generally manifest great anxiety on the subject of the boundary line, and desire that it should be marked out as soon as practicable.

The late indian disturbances in Eastern Texas have been aggravated by the uncertainty of the true boundary and the absence of a military force at the most eligible points to restrain the U. States' indians from crossing Red River into Texas.[a]

In contravention of treaty stipulations the Cadoes, numbering about 300 efficient and experienced Warriors, shortly after the sale of their lands to the Government of the United States in 1834, without asking the consent of the authorities of this country, removed to it and associated themselves with the prairie indians; and have been ever since, with the exception of a few short intervals, committing depredations on our frontier settlements; and are at this time combined with them and jointly waging an active marauding warfare against us.

By reference to the Journal of Julien Pedro Miracle, an officer in the service of Mexico, (a copy of which is herewith transmitted) it will be seen that an extensive indian and Mexican conspiracy against Texas, which was perhaps intended also to involve the south western frontier of the United States, existed, under the direction of General Vicente Filisola, the Commander in Chief of the Mexican Army.

Miracle traversed, at the hottest season of the year upwards of 600 miles of our frontier among warriors of various indian tribes, and was, even after the declaration of his purposes, treated kindly by all of them. He was killed about the 20th. of August last near the cross Timber on Red River by a citizen of that country, and the original of

[a] "Which they now do at pleasure far above Fort Towson, without hindrance." [Note on margin of letter.]

the copy of the journal alluded to, writen in Spanish, were found upon his body.

The movements of this emissary of Mexico, when viewed in connection with the fact that in May and June last agents of sundry tribes of North American indians visited Matamoras and procured from the authorities there large quanties of ammunition, and returned about the time that Miracle passed through Texas, [indicated that he was [a]] on his way, in all probability, to the great Council of the indians who have been removed west of the Mississippi, which was to take place in September last.

It is reasonable to suppose that the Mexicans, finding that they are unable to reconquer Texas, in order to gratify their vindictive passions against us, would willingly see it desolated, and again fall into the hands of savages.

Could Mexico by the efforts of her emissaries and spies produce simultaneously an indian war on the frontier of Texas, and the southwestern frontier of the United States, such a result might be possible; and if the object could not be fully attained the contest would, as they are aware, occasion the most calamitous events to Texas with no risk, and but little expense to Mexico.

The discontented indians of Arkansas are continually removing to Texas and joining those of their tribes who preceeded them thither; which is gradually increasing their number, and consequently the danger to us in case of an open rupture with them.

It is most sincerely hoped that this circumstance will not be regarded with indifference by the Government of the United States, and that the greatest vigilance and precaution will be directed on its part to prevent, in future, such emigration to Texas. The fine hunting grounds afforded by the Colorado, Brazos, Trinity and Red rivers and their tributaries, present strong allurements to the bold, enterprizing and somewhat civilized indians of Arkansas, (occupying as they do) districts less favorable to the enjoyment of their pursuits and dispositions.

Those hunting grounds are now being surveyed out under the authorities of the Republic, which frequently occasions serious collisions between the surveyors and indians.

We learn by the latest official news from Eastern Texas that none of the North American tribes in that quarter, except the Cadoes, are in open hostility against us; and [that those tribes] seemed better satisfied than they were a few weeks since. There can be no doubt, however, that all those tribes entertain a secret and undying hatred to the Texians, as well as Americans generally, which they will doubt-

[a] See the paragraph on which this statement is based in Jones to Forsyth, December 31, 1838.

less manifest by joining the enemy should future occurences enable them to do so with the least prospect of success.

With regard to the Cadoes I am directed by the President to instruct you to make a representation of these matters to the Government of the United States, and request the adoption of such measures as will lead to their entire expulsion from Texas. Since they came to Texas their perfidious actions present a continuous catalogue of depredations on the most exposed and defenseless settlements of the country.

The injuries which they have inflicted, severe it is true, are small when compared with the consequences which will necessarily follow should they be allowed to remain among the wild indians. The latter when the former went among them, carrying rifles, powder and lead in abundance, which had been obtained by the sale of their lands on Red River to the Government of the U. States, were but little acquainted with the use of fire arms. Since then by the facilities afforded them by the Cadoes they have become tolerable hunters and are much more efficient in war; and will ere long, should such a state of things continue, be equal to North American indians.

You will also furnish the Government of the United States with a copy of Miracles Journal.

It clearly shows that Mexico does not hesitate to employ American indians to fight against Texas.

The circumstances and coincidences attending the visit of the Cherokees and Cadoes to Matamoras in June last, and the marching of Miracle to the villages of those bands in Texas, and then leaving them and pursuing the direct rout to the Cherokee country in Arkansas several hundred miles before he was killed, induce those in this country best acquainted with the indian character, and the peculiar relations which exist between them, the United States and Texas, to suppose that Miracle was sent to attend the great council in Missouri for the purpose of combining the Arkansas indians with those of Texas for the destruction of the latter.

This view of the subject is in accordance with the policy of Mexico, for she has long since regretted the institution of the colonization system; and would now greatly prefer a population of indians from the Sabine to the Rio Grande to her old colonists the Texians.

The withdrawal of the proposition for the annexation of Texas to the United States has given general satisfaction, and will have a most favorable effect on our negotiations in Europe.

I have received despatches from General Henderson up to the 5th. of September, who was then in Paris negotiating for the acknowl-

edgment of our independence by the Government of France. He had received no positive answer from Count Molé, Minister for foreign affairs, but expected to do so in a short time. The difficulties existing between Mexico and France, I think, will have considerable influence on this question. Should the blockade be kept up, as it is likely to be, we may reasonably expect an unconditional acknowledgment.

If, on the other hand, the blockade should be raised and their disputes adjusted, nothing more than a commercial arrangement, similar to the one entered into between Texas and Great Britain, will be effected at present.

I rejoice to learn, as you doubtless have before this time, that the Navy Agent, Mr. Saml. M. Williams, has contracted for the building and equipping of Five vessels of War for the use of this Government.

This fleet will enable us to command the Gulf, shut up the enemie's vessels in their ports, and ruin their commerce, which will render an invasion of Texas by Mexico impossible; for they cannot march an army into this country, no matter how numerous, unless they can be provisioned by sea.

Harrassments of this kind will soon force them to acknowledge our independence.

The acquisition of such a fleet will have a most happy tendency in securing the permanent and uninterrupted prosperity of the country, by inspiring confidence abroad, thereby increasing emigration to Texas, and promoting our negotiations in Europe.

They are to be built with all possible despatch, and judging from the tenor of the latest news from Vera Cruz, France will keep the enemy occupied untill our vessels will be afloat.

Exequaturs have been issued by this Government to Young J. Porter, John A. Monges, and E. A. Rhodes, since my last dispatch.

I have the honor to be, Sir, with
great respect your Obt. Servant,

R. A. Irion.

Hon. Anson Jones,
Minister Plenipotentiary of the
Rep. Texas, Washington City, D. C.

Forsyth to Jones.[a]

[a] December 3, 1838; see Jones to Bee, January 21, 1839.

La Branche to Irion.[a]

Legation of the United States.
Houston, December 5th. 1838.

Sir,

I have the honor to call your attention again to my note of the 16th Ultimo, and to solicit an answer as early as possible.

With great respect,
Your Obedient Servant,

Alcée La Branche.

Hon. R. A. Irion,
Secretary of State of the Republic of Texas,
Houston.

Irion to La Branche.

Department of State,
City of Houston December 8th 1838.

Sir,

I have the honor to acknowledge the receipt of your two letters of the 16th ultimo and the 5th instant on the subject of the tonnage duties which may have been charged upon vessels of the United States in the Ports of Texas since the arrangement was entered into between the two Governments, declaring the treaty of Amity, Navigation and Commerce, existing between the said United States and Mexico, binding on this Republic.

In reply, I have the honor to assure you, that the necessary steps will be immediately taken to prevent in future *such* charges; and a restitution of what has been collected on the part of this Government contrary to the stipulations of the said arrangements will be made.

Instructions had been forwarded to the Port of Galveston and to the Collectors of the other Ports of the Republic, apprising them of the existence of the arrangement, but owing to some accident, it seems they did not reach our Officers.

I have the honor to be with great respect
Your Ob't. Servt.

R. A. Irion.

Hon. Alcée La Branche
Charge d' affaires of the
U. States, Houston.

Coffee to Houston.[b]

[a] A. L. S.
[b] December 17, 1838. See Burnet to Dunlap, May 30, 1839.

RAINES TO HUSTON.[a]

BUTLER TO HUSTON.[b]

DOUGLAS TO WHARTON.[c]

HUSTON TO THE SECRETARY OF WAR [JOHNSTON].[d]

JONES TO FORSYTH.[e]

LA BRANCHE TO BEE.[f]

LEGATION OF THE UNITED STATES,
Houston, January 15th 1839.

SIR,

I have seen by an extract from the Natchitoches Herald of December 16th, that General Rusk, at the head of one hundred men, had entered the territory of the United States and proceeded as far as Shreveport; that some of the citizens of that place as well as the Indian Agent there, Mr. Sewell, had been threatened by him. This statement is of such a character as to require that I should demand of this government an explanation of the extraordinary conduct imputed to that general.

I avail myself of this opportunity of assuring you of my distinguished consideration and esteem.

ALCÉE LA BRANCHE.

Honorable B. E. BEE,
Secretary of State of the
Republic of Texas,
Houston.

[a] December 18, 1838. See Burnet to Dunlap, May 30, 1839.
[b] December 21, 1838. See Burnet to Dunlap, May 30, 1839.
[c] December 23, 1838. See Burnet to Dunlap, May 30, 1839.
[d] December 24, 1838. See Burnet to Dunlap, May 30, 1839.
[e] December 31, 1838; see Calendar.
[f] L. S.

JONES TO BEE.[a]

TEXIAN LEGATION,
Washington Jany. 21st. 1839.

Despatch No. 42.

Hon. BERNARD E. BEE,
Secretary of State of the Republic of Texas.

SIR,

I have the honor to acknowledge the receipt of two communications, being Mr. Irion's Despatch of the 29th. Nov. and yours of the 26th.[b] December last.

Agreeably to your instructions I addressed a note on the 19th. instant to Mr. Forsyth Secretary of State of the United States informing him of the change in the Administration and of the friendly assurances from His Excellency the President of Texas to the Government of the United States. In his reply of the same date acknowledging the receipt of my note, he states as follows:

"I have laid your note before the President who has directed me to state that he cordially reciprocates the friendly sentiments expressed for him by His Excellency the President of the Republic of Texas."

I enclose you herewith copies of two communications made by me to Mr. Forsyth under dates of 26th. Nov. and 31st. of December last on the subject of the hostile and other Indians residing upon the frontiers of Texas and the United States, with the reply of Mr Forsyth under date of the 3d. of December ult. As this is a subject of the greatest importance to Texas, and as the views entertained by the Government of the United States in regard to its obligations under the treaty of the 5th. April 1831 appear to me somewhat extraordinary I beg leave to refer the matter to the consideration and decision of the President and shall await his instructions before proceeding any further in the correspondence on this subject.

I have the pleasure to inform you that the Congress of the United States have passed a bill to carry into effect the Convention between the United States and Texas for ma[r]king the boundary between them, which having been approved has now become a law. It provides for the appointment on the part of this Government of a Commissioner, a Surveyor and a Clerk, with salaries of 2500, 2000, and $1200 respectively, and appropriates $10,000 for the purpose of purchasing instruments and defraying the other contingent expenses of running the line. In an interview with Mr. Forsyth about a week since he informed me that he thought the President of the United States would immediately make the nominations, and that so soon as

[a] L. S.

[b] This letter has not been found.

this was done he would inform me of the fact. I hope therefore, in the course of a verry short time to be able to communicate to you the appointment of these officers.

In the Despatch of Mr. Irion of the 29th. Novr. he informs me that "Shelby Corzine having declined to accept the appointment of Commissioner on the part of this Government the President during the recess of Congress appointed Charles S. Taylor in his place on whose nomination the Senate have not yet acted." In consequence of this I have not made any notification to the Government of the United States of the appointment of a Commissioner on the part of my Government. It will be important that I should be informed of the appt. of a Commissioner and Surveyor that I may notify the Government officially of the same so that any delay may be prevented in this matter on our part.

Mr. Catlett having left here about the middle of October last I have until recently been with out any assistance in the duties of this Legation. Mr. Sandy Harris formerly attached to the Legation in the capacity of Secretary to Gen. Hunt having lately returned to Washington has consented at my request to discharge the duties of Secretary of Legation untill the one promised shall arrive.

Exequaturs have been issued by this Government to Thomas Toby. Henry H. Williams, and William Bryan as Consuls of the Republic of Texas; and made public in the manner usual in the United States.

The Receipt of my Despatch No. 41. under date of the 16th. Nov. last informing you of the transmission of the ratifications of the two Conventions between Texas and the U. S. has not been received; I hope however, that the ratifications have come safely to hand.

The Congress of the United States now in session have thus far been almost exclusively occupied in the discussion of the proposed investigation of the defalcations of Mr. Swartwout and others.

A call was made a few days since, on motion of Mr. Johnson upon the President of the United States for all the information in his possession in relation to an alleged invasion of the territory of this Government by an armed force from Texas; which information the President has transmitted to the House. So soon as I can procure a copy of this document I will transmit the same to you.

I have the honor to be
with the highest regard,
Your Mo. Obt. Servt.

ANSON JONES.

Anson Jones to John Forsyth. Nov. 26, 1838.

(Copy)

TEXIAN LEGATION,
CITY OF WASHINGTON
Nover. 26th. 1838.

SIR,

Information has been recently received from Texas that various tribes of Indians, who, at different times have migrated from the U. S. have for some time past been committing murders and other hostile aggressions upon the inhabitants of that Country, and that a combination is now formed between most of these tribes, and others originally residing within its borders, for the purpose of commencing a general warfare. For this object large numbers of Caddoes, Kickapoos, Choctaws, Coshattees, Cherokees, Towacanies and a few from several other tribes are now collected upon the river Trinity, from which point they are preparing to assail the settlements of the whites. By information from other though less authentic sources there is reason to believe that this hostile combination extends to a portion of some of those tribes now residing upon the borders of the United States, or on their way thither, and that so soon as the war whoop is raised by those already assembled, they will receive large and powerful accessions to their numbers from those tribes.

To these acts of hostility they have been incited by none on the part of the Government or people of Texas; but it is believed are instigated solely by their native and hereditary hatred to the whites, by their desire of plunder, and by the encouragement held out to them by the Mexican authorities and their emisaries, by whose inhuman policy they have been promised future possession of the Country on the condition of their exterminating the Texians, or expelling them from it.

The undersigned Minister Plenipotentiary of the Republic of Texas has the honor to submit this information to the Hon. the Sec. of State of the United States, and earnestly to request that suitable measures may immediately be taken by this Government to interpose a force sufficient to prevent the threatened hostilities on the part of its Indians, to inflict exemplary punishment for those already committed, to cause the removal of the intruded savages beyond the known or disputed limits of Texas, and to ensure their future peaceful and good behavior towards its Government and people. And inasmuch as the incursions and settlement of various warlike tribes of Indians from the United States within its borders has been forcible, and unauthorized by the present or former Govert. of Texas and in contravention of the established comity of nations as well as the stipulations of the 33d Art. of the Treaty of the 5th April 1831

between the United States and Mexico (which treaty is now binding upon Texas so far as her particular territory is concerned,) the undersigned on the part of his Govt. most solemnly protests, as well against the incursions and settlement of those Indians, as for all reclamations which may arise for injuries that have been or shall be sustained by Texas in consequence thereof.

The undersigned Min. P. of the Rep. of Texas embraces this occasion to tender to the Hon. Mr. Forsyth Secretary of State of the United States renewed assurances of his most distinguished consideration and regard.

(Signed) ANSON JONES.

Hon. JOHN FORSYTH,
etc. etc. etc.

[Next come copies of the following: Forsyth to Jones, December 3, 1838;[a] Forsyth to Castillo y Lanzas, October 22, 1835: Jones to Forsyth, December 31, 1838.[b]]

BEE TO LA BRANCHE.

DEPARTMENT OF STATE.
Houston 29th. Jan'y 39.

The Secretary of State, by the direction of the President, has the honor to submit the accompanying documents[c] to the Honorable Mr. La Branche in order that such action may be taken upon them as he may deem necessary.

The President is desirous of affording all the facilities which the law has placed in his hands, to aid the Authorities of the United States in arresting and securing fugitives from justice who have sought refuge here, but as the only legitimate mode of communication between the two Governments is through the accredited agents of either and as it cannot be officially known to this Government, except through the Honorable Chargé d' Affaires of the U. States, that Mr. Mc. Nutt is authorized to make the request contained in his communication the President considers it proper that the application for the arrest and delivery of the individual charged with hav-

[a] In the printed copy referred to in the Calendar the date is December 2.

[b] See Calendar for all three. No copy of the Journal of Miracle enclosed to Forsyth with the last and published along with it by the United States government was kept for the Texas archives.

[c] No copies of these documents have been found; but see La Branche to Bee of January 29, 1839.

ing committed offences in Mississippi should be made officially by the Honorable Mr. La Branche.

The Secretary of State deems it hardly necessary to add, that if such application be made, the proper steps will be immediately resorted to by this Government for granting the request of Mr. McNutt.

The Secretary of State avails himself of this opportunity of renewing to the Honorable Mr. La Branche assurances of his distinguished consideration.

(Sgd.) BARNARD E. BEE.

BEE TO LA BRANCHE.[a]

LA BRANCHE TO BEE.[b]

LEGATION OF THE UNITED STATES,
Houston 29th. January 1839.

SIR,

Your note of this evening has just come to hand with the accompanying documents in relation to the demand of the Governor of Mississippi for the delivery of one Johnson Cook, charged with the murder of Sillas D. Reeves, and now in actual custody in this Republic.

As the Governor of Mississippi has thought proper to make a formal demand to his Excellency the President for the delivery of said Cook, and as the President desires to deliver him up only upon an application from me, I have examined the papers referred to, and in furtherance of the views of Governor Mc Nutt I have to request that said Johnson Cook be delivered in the manner and form required by him.

I have the honor to be with great consideration
Your Obnt. Sevnt.

ALCÉE LABRANCHE.

Hon. BARNARD E. BEE
Secretary of State of the
Republic of Texas,
Houston.

[a] January 29, 1839. See Calendar.
[b] A. L. S.

BEE TO JONES.

DEPARTMENT OF STATE,
Houston Jany. 31st. 1839.

SIR,

I am happy to inform you that the withdrawal of the application has been sanctioned by Congress, so that no further action need be had upon it.

The President is determined to act with great energy towards the Indians, who have been principally excited by the Mexicans living at Nacogdoches and he is particularly desirous that you should communicate with the U. S. Government in order that efficient steps may be taken to prevent any coalision[a] with the different tribes of the U. States. We have read with great pleasure the remarks of Mr. Poinsett in his late report.

And [I] am satisfied that every thing will be done. Mr. LaBranche has remonstrated to this Government, at the crossing the Sabine by Genl. Rusk, and disarming the Caddoes—in the absence of that officer Tho' daily expected we have assured Mr. La Branche, of the total want of authority from this Government, but attribute it to the necessity of the case. Caddoes were found killed in the recent battles etc.

And hence no doubt Genl Rusks interference, he placed their arms in the hands of the U. S. Agent until the border war was over and agreed to furnish them with provisions, they alleging that they had procured arms merely for support, and not with hostile intentions.

I write in much haste and merely to give you the current information.

Very Respectfully Yrs.

(Sgd) BARNARD E. BEE.

DR ANSON JONES,
Minister Pleny. of the
Rep. of Texas,
Washington.

BRYAN TO BEE.[b]

WASHINGTON CITY *Feby. 3d. 1839.*

TO HON. BARNARD E. BEE,

DEAR SIR,

This is to inform you of my safe arrival in this City. I arrived here the 1st Inst and found the minister Doct. Jones absent on a

[a] Coalition. [b] A. L. S.

visit to N. York Mr. Harris the acting secretary informs me Mr. Jones will be here in a few days when I will be formally introduced as attached to the Texian Legation at this city.

I had the pleasure of seeing your son in N Orleans. I had quite a pleasant and expeditious trip on the Southern rout. I remained but a short time in Charleston and consequently did not see Mr Holmes nor Genl. Hamilton to whom I had a letter of introduction from Mr James Reed of N. Orleans.

[a] * * * * * * *

Respectfully
Your Obt. Servt.

M. Austin Bryan.

Rusk to Johnston.[b]

Canalizo to Flores.[c]

Canalizo to Córdova.[d]

Circular to Indian Chiefs.[e]

Canalizo to Córdova.[f]

Passport of Canalizo to Flores and Soto.[g]

Jones to Forsyth.[h]

Forsyth to Jones.[i]

[a] Here is omitted a paragraph relative to Bryan's financial affairs.
[b] February 25, 1839. See Calendar.
[c] February 27, 1839. See Burnet to Dunlap, May 30, 1839.
[d] February 27, 1839 (incorrectly given in the letter as 1838). See Burnet to Dunlap, May 30, 1839.
[e] February 27, 1839. See Burnet to Dunlap, May 30, 1839.
[f] March 1, 1839. See Burnet to Dunlap, May 30, 1839.
[g] March 9, 1839. See Burnet to Dunlap, May 30, 1839.
[h] March 10, 1839. See Jones to Bee, March 11, 1839.
[i] March 11, 1839. See Jones to Bee, March 11, 1839.

JONES TO BEE.[a]

Despatch No 43. TEXIAN LEGATION
Washington March 11th 1839.

Honl. BARNARD E. BEE
Secretary of State of the Republic of Texas.

SIR,

Since my last communication under date of 21st Janry. I have had the honor to receive your two communications of the 14th[b] and 31st of January last.

Mr Bryan who was the bearer of the former has arrived and having been duly presented to this Government as you directed, has entered upon the discharge of his duties as the Secretary of this Legation.

The President of the United States has appointed the officers, authorized by the act of Congress for carrying into effect the Treaty of Limits for marking the Boundary line between the United States and Texas, although the appointments have not been officially communicated to me. Nothing now is wanting to the prosecution of this all important work but a similar appointment on the part of the Government of Texas. The difficulties which have already and are still growing out of the question of the unsettled boundary between England and this country, and which are now seriously threatening a war between the two Nations, strongly exemplifies and enforces the propriety of having the question of our own boundary definitely settled without any further delay.

Agreeably to the instructions contained in your communication of the 31st Janry. I have addressed the following note to the Secretary of State of this Government on the subject of our Indian affairs.

[Next is transcribed a copy of Jones to Forsyth, March 10, 1839.[c]]

To this communication no reply has been returned, so soon as one shall be received however I will transmit you a copy.

In the mean time, I have the honor to remain

Your Most obedient Servant

ANSON JONES.

P. S. Since writing the above I have received from Mr Forsyth the following answer to my note of the 10th instant

[Next is transcribed a copy of Jones to Forsyth, March 10, 1839.[c]]

[a] See Records Department of State (Texas), Book 41, p. 186.

[b] This was a letter introducing Moses Austin Bryan, as secretary of the Texan legation, to Jones.

[c] See Calendar.

La Branche to Webb.[a]

Legation of the United States,
Houston, March 13th, 1839.

Sir:

I have the honor to call your attention to a note dated January 29th from your predecessor in office, in answer to a letter of mine of the 15th of the same month, requiring of this government an explanation of the conduct of General Rusk in violating the territory of the United States. You will perceive, Sir, that Colonel Bee, the then Secretary of State, for want of information, deferred making a full communication until he should be officially apprised of the proceedings of General Rusk. Believing you are able now to comply with that part of his letter, I have to request a more full and satisfactory reply.

An outrage of such a nature on the part of an officer of the government of Texas was far from being anticipated by the United States, and in their name, it devolves upon me to remonstrate against such a violation of their well known territory, trusting that the present chief magistrate of this Republic, in whose prudence and wisdom I have great confidence, will take prompt and effectual measures to prevent similar occurences for the future, and give positive orders to the commanding officers in that quarter to respect the territory of a neighboring and friendly nation. It becomes the dignity of the United States not to tolerate another insult of this kind, and they will be under the necessity of repelling by force the entrance of similar armed bodies of men into their territory, and so a collision between the troops of the two countries must ensue which would lead to consequences much to be deplored.

I avail myself of this opportunity of assuring you of my distinguished consideration.

Alcée La Branche.

Honorable James Webb,
Secretary of State of the
Republic of Texas,
Houston.

Webb to Dunlap.[b]

[a] L. S.
[b] March 13, 1839. See Webb to Dunlap, March 16, 1839.

WEBB TO DUNLAP.[a]

WEBB TO LA BRANCHE.

DEPARTMENT OF STATE,
Houston, March 14th. 1839.

SIR,

I have the honor to acknowledge the receipt of your note of the 13th. Inst. calling my attention to a note dated January 29th. from my predecessor in office, in answer to a letter of yours of the 15th. of the same month "requiring of this Government an explanation of the conduct of Genl. Rusk in violating the Territory of the United States," and requesting a more full and satisfactory reply than was given by Col. Bee to that letter.

In answer, I have to state, that as soon as such information was received by this Department in reference to the transaction to which you allude as enabled this Government to act upon the subject, instructions were immediately prepared, directing Genl. Dunlap (recently appointed Minister plenipotentiary to the United States) to present the subject in such a light, and to make such explanations to that Government, as will, it is hoped, prove entirely satisfactory to it.

The *official* report of Genl. Rusk in relation to his late compaign against the Indians was not received until last evening, and in consequence of the temporary absence of the President from the seat of Government, I have not had an opportunity of obtaining his views in reference to all the matters which it embraces; but knowing as I do, that it is as unalterably his determination to do no wrong to other nations, as it is to suffer none to be done to this, and knowing also the great desire which he feels to maintain the most friendly relations with the United States, I am well assured that he will cause such orders to be given to the officers commanding the troops of this country, as will, while they secure our own rights, cause those of a friendly neighbor to be respected.

I avail myself of this occasion to assure you of my distinguished consideration and respect.

(signed) JAMES WEBB.

Honorable ALCÉE LA BRANCHE,
Chargé de affaires of the United States,
Houston.

[a] March 14, 1839—two letters of the same date. See Webb to Dunlap, March 16, 1839.

WEBB TO LA BRANCHE.

DEPARTMENT OF STATE,
Houston, March 15th./39.

SIR,

I have the honor herewith to transmit to you, copies of two circular letters from the Treasury Department to the Collectors of the Customs for the several ports in Texas on the subject of Tonnage duties heretofore collected from vessels of the United States.

I avail myself of this opportunity of renewing the assurances of my distinguished consideration and respect.

JAMES WEBB.

Hon. ALCÉE LA BRANCHE,
Chargé d' affaires of the
United States,
Houston.

WEBB TO DUNLAP.

DEPARTMENT OF STATE
Houston March 16, 1839.

SIR,

Herewith you will receive the following documents relative to your mission.[a] viz.

Commission as Minister to U. States of 13th March '39.
do do do " do " do. "
With powers to treat with an Agent of Mexico etc
Two letters of credence both of same tenor as Minister to U. S. dated 13th March 1839.
Three letters of Instruction of 13th 14th and 14th Mar '39[b]
A Cypher.
Copy of an Act to define the Boundaries of the Republic of Texas.
Copy of a letter from Genl. Santa Anna to Genl. Jackson

[a] Of the enclosures enumerated, there are no copies on file except those of the three letters of instruction which follow. For the act defining the boundaries of Texas, see Gammel, *Laws of Texas*, I, 1193; for the letter of Santa Anna, see Burnet to Collinsworth and Grayson, July 8, 1863; for the secret treaty with Santa Anna (dated May 14, 1836) and for the report of Rusk (dated February 25, 1839), see Calendar.

[b] Among the documents filed with this part of the correspondence are two substantially identical copies of a series of extracts from the instructions to Dunlap not mentioned in any of the letters, but probably intended to be shown to the authorities at Washington. The extract from the letter to Dunlap of March 13 begins with the words "Detailed instructions" and ends with "our Guarrantor to Mexico"; that from the first letter of March 14 follows the letter from its beginning down to "procuring his reception"; and that from the second letter of the same date includes its first paragraph.

Secret agreement with Genl. Santa Anna.
Letter of recall to Hon. Anson Jones.
Report of Genl. Rusk and Documents.

Respectfully

Sgd JAMES WEBB,
Sec'ry of State

Hon. R. G. DUNLAP
Minister to U. States.

WEBB TO DUNLAP.

DEPARTMENT OF STATE,
City of Houston 13th. March 1839.

The Honorable
RICHARD G. DUNLAP.

Sir,

The President having appointed you Minister Plenipotentiary of the Republic of Texas, near the Government of the United States, I have the honor to hand you your commission and credentials as such, and to express his desire that you will proceed to the City of Washington with as little delay as possible, and assume the duties which will devolve upon you in virtue of your appointment.

Upon your arrival at Washington, you will take possession of the Archives, papers, seals and books, of the Texan Legation; and in carrying out the policy heretofore pursued by this Government in its diplomatic intercourse with the one to which you will be accredited, I refer you to the instructions given to your predecessors, and which will be found among the papers of that Legation.

You are well acquainted with the present condition of this country, and its policy, both foreign and domestic, and the President reposing entire confidence, in your prudence and capacity, relies much on the exercise of your judgment and discretion in the management of our diplomatic relations at Washington, being well assured that you will conduct them in such a way as will advance the best interests of the country, and reflect credit upon it, in the character of its Minister.

Detailed instructions upon all the subjects which you may find it proper to discuss, are not deemed necessary at this time, but there are a few matters to which your attention is especially called.

The first, in importance, of these, is our relations with Mexico. It is believed that the time has arrived when overtures for peace may be successfully made to that Government, and it is the wish of the President that such overtures should be made, but the manner of making them must be left entirely to your judgment and discretion.

After your arrival at Washington, you will avail yourself of such information as you can obtain, either in oral conversations with the Secretary of State, or from other respectable sources, as to the best mode of approaching the subject, and act accordingly (separate authority having been given you for that purpose) and it is desirable that your action should be as early and speedy as possible, having due regard for your own dignity and the dignity of your country in making your propositions.

The propriety of invoking the mediatorial aid of the Government of the United States in bringing about a negotiation for the settlement of the differences between this country and Mexico, and the benefits which would result from the friendly interposition of that power in conducting such a negotiation, will no doubt, suggest themselves to you; but whether your proposition to treat with Mexico, should be made indirectly through the Secretary of State of the United States, or directly to the Mexican Minister at Washington, must be determined by yourself upon such information as you may obtain after reaching that city.

Should the Government of the United States consent to become a mediator, there are many considerations which you can suggest to the Secretary of State, and which he might urge upon the Mexican Minister with great force, as reasons why the Independence of Texas should be acknowledged by Mexico, and a treaty of Amity and Commerce entered into between the two Governments.

Among these reasons are, 1st. The absolute impossibility of Mexico's reconquering Texas.

2dly. the entire dissimilarity of education, habits, manners, dispositions and pursuits of the inhabitants of the two countries, and the impossibility of their ever assimilating and moving harmoniously together, if they were reunited.

3dly. The dangers which would inevitably result to Mexico if the Anglo Saxon race now inhabiting Texas, should, with their peculiar notions of liberty, and the rights of man, be again commingled with the Spanish race inhabiting Mexico, under the same form of Government.

4thly. The total worthlessness of Texas as a country, to Mexico, as was shown by her indisposition and inability to settle it, untill foreigners, known to possess feelings and impressions different from her own citizens, were allowed to occupy and reclaim it from the wilderness, and defend it from the Indians.

5thly. The advantages which would certainly flow from a free and friendly commercial intercourse between the two countries upon the restoration of amicable relations between them.

6thly. The forbearance exercised by Texas towards Mexico after the battle of San Jacinto, in not availing herself in a hostile manner of the advantages which that battle had given her over her then prostrate foe; and especially, the magnanimity she has since displayed in submitting to so long a suspension of hostilities while Mexico has been laboring under the embarrassments of an invasion by France, on the one side, and a state of actual revolution and war by a part of her own citizens on the other.

Had Texas not relied for a settlemenet of her differences with Mexico upon amicable negotiation, rather than a further resort to war, she has had a most inviting opportunity for invading that country; but she has generously forborne, and this forbearance may with much propriety be urged as a reason for her doing us that justice now, which she will ultimately be compel'd to accord.

These and other reasons which will suggest themselves to you, may all be presented to the Secretary of State in your conferences with him on this subject.

Should any person be authorized by the Mexican Government to enter with you upon this negotiation, You will require in the first place the unconditional recognition of the Independence of this country; and in defining our Territorial boundary, you will insist upon the limits prescribed by the act of Congress entitled "An Act to define the boundaries of the Republic of Texas", approved December 19th, 1836, a certified copy of which is herewith furnished you. But should you be unable to get a recognition of our Independence with an acknowledgment of the right of territory to the extent of those limits, You will then endeavor to obtain the recognition of the Independence of Texas, and leave the question of limits to be settled by future negotiation, entering into a stipulation at the same time, for an entire cessation of all hostilities untill that question is settled.

Failing in all these efforts, you may then consent to an armistice or cessation of hostilities for two years, which hostilities are not subsequently to be renewed without a notice being given by the party intending to renew them, to the other party, of at least six months, of such intended renewal. But you will not consent to an armistice at all, unless its provisions are made to extend over the entire territory claimed by Texas under the act of Congress before refer'd to, nor unless the United States will become the Guarrantor for the faithful performance of its provisions by Mexico.

In demanding such a guarranty, it is probable a similar one will be required of this country, and in that event, you may pledge the solemn faith of the Nation to the Government of the United States for the faithful performance on our part of the stipulations of the armistice, provided that Government consents to become our Guarrantor to Mexico.

In your intercourse with the Government of the United States, upon subjects connected with our relations to that Government, you will upon all proper occasions, respectfully urge the necessity of the most rigid observance on the part of both, of the 33d. article of the Treaty entered into between the United States and Mexico on the 5th. day of April 1831.

By that article, both parties expressly bound themselves to restrain by force, all hostilities and incursions on the part of the Indian Nations living within their respective boundaries, so that neither party would suffer *their* Indians to attack the Citizens of the other.

You are aware that for some time past aggressions have frequently been committed by the Indians contiguous to the boundary between the two nations, and the most ample evidences have been furnished to this Government, that the Indians of the United [States] have been the ones principally concerned in these aggressions. The persons of several of them killed in battle have been identified, and besides other strong proofs of the fact, their flight to the Territory of the United States when closely pursued, shows that they claim that Territory as their place of abode and protection.

The Caddoes it is thought are the foremost and most frequent perpetrators of these Outrages. These Indians are unquestionably a part of those belonging to the United States, and from the incursions of which, that Government by its Treaty with Mexico, is bound to protect us. You will see by adverting to a Treaty made with these Indians by the United States, subsequent to the Treaty with Mexico that they were recognized as residing within the limits of Louisiana. That Treaty is not among the Archives of this Government, nor have I seen it, but I understand that it stipulates for the purchase by the United States of all the Territory occupied by that Tribe within their limits, and that these Indians should thereafter leave the Country. I understand also, that the Caddoes in complyance with their stipulations did leave the United States and come into Texas, where they have since pursued a wandering and predatory life, occasionally making war upon the citizens of this country, and committing the most attrocious murders and barbarities; and that they annually return to the United States to receive the payments agreed to be made for their lands, which payments are made in arms, ammunition and such other articles, as enable them the more effectually to carry on their hostile operations here.

You will be able to obtain at Washington a copy of that Treaty, and if upon a reference to it, you find that there is any admission or recognition of the fact, that these Indians did at the time and before its execution reside within the Territory of the United States, you can have no difficulty of convincing that Government of the propriety

and necessity of adopting such measures as are required to prevent their future incursions and hostilities in Texas.

The sense of justice so constantly manifested by that Government in its intercourse with other Nations, will not permit us to believe that she would contend for the right of purchasing the usufruct of any tribe of Indians occupying a portion of her soil, and force them upon a neighbor for their future residence. Such a supposition is not only repudiated by her past conduct as a Nation, but it is expressly forbidden by her own stipulations in the Treaty with Mexico.

Besides, it is not the Caddoes alone who have committed these offences. Most if not all the tribes within the United States, and contiguous to our boundary, have been engaged in them, and are at this moment in a state of open and avowed hostilities to this Country. The Report, of Major Genl. Rusk (a copy of which will be furnished you) together with the accompanying affidavit of Mr. Elias Vansickle, will show that the Cherokees, Delawares Shawnees, Choctaws, Coshatties (a creek tribe assuming that name) Boluxies and Huwanies have all either been directly engaged in committing murders and other depredations in Texas, or are contemplating a war on the Country, and making preparations for it.

To prevent these aggressions, and to keep the different tribes in check, it is essentially requisite that the United States Government should have a sufficient military force constantly upon the line. That she is disposed to control and keep them within their proper boundaries, we are not disposed to doubt; especially, since the information that she has recently ordered a force of upwards of nine hundred men to that frontier, has been received; but it is a subject which will demand your constant attention and vigilance, as it is one upon which the safety of our frontier inhabitants so materially depends.

I have the honor to be with great regard
Your Obdt. Servt.

JAMES WEBB.

WEBB TO DUNLAP.

DEPARTMENT OF STATE,
Houston, 14th. March 1839.

Hon. RICHARD G. DUNLAP.
Sir,

Since preparing your instructions of yesterdays date, information has been received at this Department of a character, which renders it proper that some other matters be added thereto.

The revolution which was set on foot in Mexico some time since, by the "Liberal" or Federal party, contending for the Constitution

of 1824, against the "Central" Government of that country, has assumed a shape which authorizes the belief, that it must eventuate in success. Indeed a report has reach'd us to day, from New Orleans, that it has succeeded, and that Santa Anna who, it is said, had United himself with that party, is now at the head of the Government. If this report be true, it will remove many of the embarrassments which might have been presented to you in your negotiations. The liberal or Federal party in Mexico have always professed to entertain the most friendly sentiments towards this Government, and some of their influential men, high in rank and power, have already opened a correspondence with the President. In that correspondence, they addressed him as "President of the Republic of Texas" and throughout, recognize him as being in the exercise of sovereign authority; and ask his concurrence in certain political arrangements, deemed mutually beneficial to both countries. They speak of the *justice of this Government*, and propose to reciprocate friendly offices in protecting the property of the citizens of either, which may be stolen by evil disposed persons, and carried from one to the other. Indeed, Santa Anna himself, stands committed by his solemn obligation and promises to this Government, to use all of his influence to procure an acknowledgment, by Mexico, of the Independence of Texas; and these obligations and promises may be rendered very available in your efforts to bring about a negotiation, if it be true, that he is now at the head of the Mexican Government.

But whether the revolution has succeeded or not, the President believes that the recognition of our Independence may be accellerated by sending a minister directly to Mexico, with plenary power to negotiate a treaty with that Govt having for its objects, the acknowledgment of the Independence of Texas, and a reciprocal trade and intercourse between the two countries; and to this end, he has commissioned the Hon. Bernard E. Bee as minister plenipotentiary of the Republic of Texas near the Government of Mexico.

The instructions to be given to Col. Bee will be strictly in accordance with those given to you in reference to this subject, and he will be directed to keep you at all times advised of his acts, and prospects of effecting any thing definitely, should he be accredited as our minister by that Government; and you will also freely communicate to him, from time to time, such matters of importance as may transpire at Washington, in regard to this negotiation, so soon as you may learn that he has been received by the authorities at Mexico; and to prevent the subject of your respective communications becoming known in the event of the miscarriage of your despatches in their transmission, you are each furnished with a corresponding cypher, in which all letters of business connected with your missions will be written.

In sending Col. Bee to Mexico, it is not intended in the slightest degree to impair the powers given to you in regard to this subject, or to supercede the efforts which are expected from you at Washington in bringing about the negotiation. On the contrary, it is believed that the double mission will have a tendency to accellerate that object and that you may eventually and materially aid and benefit each other. In your conferences with Mr. Forsyth therefore, (should you invoke the mediatorial aid of the Government of the United States) you will make known to him that a minister has been sent to Mexico by this Government to aid in the accomplishment of the objects which you will be seeking to attain by your negotiations at Washington, and if you could induce him to ask of the Government of Mexico, the reception of our minister in his public character, it would no doubt have much influence in procuring his reception.

Accompanying despatches just recd. from Washington is a printed copy of a Message from the President of the United States to the Congress of that Nation, "communicating information in relation to the Invasion of the South Western Frontier by an armed force from the Republic of Texas." In the documents communicated with that Message, it is alledged that Genl. Rusk at the head of a Texian army, has been invading the territory of the United States: and the Hon. Mr Garland in addressing the President on the subject, hopes "that prompt action will be had on this matter, as it is time the officers of the Texian Government should be informed, they cannot come into the State of Louisiana with an armed force, at their will and pleasure."

The causes which led to this alledged invasion of the territory of the United States, you will find detailed in the report of Major Genl. Rusk; and that he was justified by the circumstances, in his pursuit of the enemy across the boundary, is a principle of public law, too well established and understood, at this day, to require argument, or references to authority, to prove it. It is a principle which has always been recognized by the Government of the United States, and one upon which it has invariably acted, under similar circumstances.

In your discussion with the Secretary of State upon this subject, should the correctness of this principle be denied, (which I can hardly imagine) you will not only be able to fortify and sustain it by a reference to all the writers on international law, but you will find it fully surported in the arguments which grew out of the alledged invasion of Florida by Genl. Jackson in 1814. As late as March 1834, the Committee on Foreign affairs in the United States Congress, to which was refer'd the petition of F. M. Arredondo, on behalf of himself and others, for the payment of the claims of persons whose property was destroyed by the military operations of the American Army in Florida, used through their Chairman, Mr. Archer, the following explicit language in reference to this legal prin-

ciple. "It is one of the most unquestioned principles of public law, that a discomfited enemy may be pursued into the territory of a Neutral Power, omitting to repel them from this refuge. The right, tho' not of more unquestionable validity, is of more essential character, to enter a neutral territory for the chastisement of a hostile force, rendering it subservient to purposes of annoyance either from the connivance or imbecillity of its Sovereign." The Committee then go on to say that "the American army was sustained by both of these principles in its invasion of Florida in 1814" and the "application of the first of them was moreover reinforced by the express stipulations of the 5th. Article of the treaty between Spain and the United States of 1795," an article which you will find precisely similar in its provisions and phraseology to the 33d. article of the treaty of 1831 between the United States and Mexico. With this full recognition of the true doctrine in reference to this matter, the President cannot believe that you will have any difficulty in satisfying the United States Government of the legality and propriety of the course adopted by Genl. Rusk, in pursuing the Caddoes, who had not only been invading this Country and murdering its citizens, but who had actually made an attack on his forces in their own encampment, and that too, in a part of the Republic, about the boundaries of which, there is, and can be no dispute.

It is not deemed proper to interfere with the treaty between the United States and Mexico at this time, but if the Government of the United States, without interfering with that treaty, will consent to enter into an *express stipulation* authorizing the commanding officers of the forces of either to cross the boundary when in pursuit of an Indian enemy, you will agree to such stipulations on the part of this Government, subject to confirmation by the Senate. Such a stipulation would tend much to prevent the complaints which will always arrise, when an act of this kind is done under no other authority than that given by the law of Nations. Border inhabitants are usually but little conversant with the principles of international law, and are apt to look upon such an invasion, however necessary and correct in itself, as an encroachment upon National dignity, and individual rights, and they complain accordingly.

Besides, if it were distinctly known that such a course was authorized by the two Governments, it would have a tendency to prevent the Indians of either Country from crossing the line, as they would soon learn that such hostile incursions could not be made with impunity.

I have the Honor to be
Very Respectfully
Your obdt. Servt.

JAMES WEBB.

Webb to Dunlap.

Department of State,
Houston, 14th. March, 1839.

Hon. Richard G. Dunlap,
Sir,

The accompanying instructions were prepared some three or four weeks since, and at a time when it was contemplated to send the Hon'ble Barnard E. Bee to the United States as the Minister Plenipotentiary of this Republic; Subsequent events however, induced the President to change the destination of Col. Bee by sending him as Minister to Mexico, and to appoint you to represent this Government at Washington; and as the instructions are, in all important particulars, applicable to the duties which will devolve upon you, they are altered only in substituting your name in the place of Col. Bee's and changing the date so as to make them correspond with the date of your appointment. This has been done to avoid the delay which remodeling and recopying them would have produced: but it is proper to apprize you that since they were prepared, positive (tho unofficial) information has been received that Genl. Santa Anna is at the head of the "Central" or Government party of Mexico, instead of having United himself with the Federal party as was then supposed. This however, has produced no change in the policy of this country. It is still believed that a mission to Mexico may produce the most important and favorable results to Texas and Col. Bee will proceed forthwith on that mission. Indeed, we entertain the hope, that Genl. Santa Anna's having assumed the reins of Government as the head of the "Central party" will operate more to our advantage than his heading the "Federal party" could have done. His solemn promises when in this country to use all his efforts to cause the Independence of Texas to be recognized by Mexico, must have great influence with the leading men in power, especially if he be now disposed to carry out in good faith those promises: and the known wishes of the Federalists to enter into amicable arrangements with the people of this Country may accelerate that measure, as it would be one step on the part of the Government towards conciliating a formidable opposition.

When my letter of instructions of this date was prepared, I was induced to believe from the information which I then possessed, that the alledged invasion of the territory of the United States by Major Genl. Rusk in his late compaign, was only a pursuit of the Indians across the boundary line after he had been attack'd by them in his own encampment within the acknowledged limits of Texas, but upon the perusal of his official report of that transaction (which has just been received) I find that I was mistaken in this particular.

It appears from his report, that the Caddo Indians had recently been committing some violent outrages and murders in Texas, and having learned that they were then encamped near Shreveport with the intention of proceeding in a body to this country, he marched his command to their encampment and disarmed them, after they had evinced evident hostility by firing at his advanced Guard, and then took them to Shreveport where they, together with their arms and ammunition, were delivered into the charge of their Agent.

You will see from the report of Genl. Rusk and the documents appended to it, that this proceeding of his was conducted with as much humanity towards the Indians as could be exercised, and it certainly did not arise from any disrespect on his part to the rights of the United States, or from any disposition to contemn their authority. It was however, an act of his own, and unauthorized by any instructions which had been given him by this Government; and altho' the conduct of these Indians afford strong reasons for excusing the course pursued by him in depriving them of their means of annoyance to our citizens, still, it is to be regretted that any act of doubtful authority should be done by an officer of the Government which might lead to a collision with the United States. Had Genl. Rusk when pursuing the enemy in their flight after their attack upon his own encampment followed them across the line (as I had supposed was the case) he would have been justified by every sound principle of international law; but his right to march into a Neutral territory to make the attack, is not so defensible even under the circumstances which he discloses as the cause of that procedure; and it can only be supported upon the principle, that from the imbecellity of the neutral power it was unable to keep in check a belligerent, which had taken advantage of its weakness, and was using its territory as a means of annoyance to us; and as we are not disposed to assume this position in our discussions with the United States upon this subject, and that Government having demanded a satisfactory explanation of the conduct of Genl. Rusk, you will, while using all necessary arguments to show the many aggravating causes which led to the act, disavow all instructions from this Government authorizing it, and disclaim all intention on the part of the authorities of Texas to do any thing which would have a tendency to mar the harmony so happily existing between the two countries, and which the people of this are so desirous of cultivating and improving. This subject will demand your immediate attention upon your arrival at Washington, and while discussing it, you will assure that Government, that orders will be given to the officers commanding our forces on the frontier, to respect the rights of the United States, and to conduct their military operations in such a way as to prevent collissions with their authorities; but you will at the same time urge

the necessity of recalling their Indians which are now roaming about and committing depredations upon the inhabitants of this country, and of adopting such measures as will confine them strictly within their own limits.

I have the honor to be
with great respect,
Your Obdt. Servt.

JAMES WEBB.

P. S. Despatches Nos. 12 and 13 from our Legation at Washington were not received. You will please cause copies of them to be forwarded to this Department.

J WEBB.

JONES TO WEBB.[a]

TEXIAN LEGATION.
Washington 19th. March 1839.

Dispatch No. 44.[b]

To The Hon. JAMES WEBB,
Secretary of State of the
Republic of Texas.

SIR,

Since my last communication under date of the 11th. Inst. being despatch No. 43, an Exequatur has been issued by this Government to Walter Smith as Consul of Texas for the Port of Mobile. The circumstance of Mr Smith having made a direct application to the Secretary of State of the United States for an Exequatur; has given rise to a correspondence between Mr. Forsyth and myself; a copy of which is hereunto annexed. The course indicated by Mr. Forsyth in relation to an application for an Exequatur appears to be a proper one, and is in accordance with general usage, and if adopted by the Department will prevent the recurrence of any future irregularity similar to the one that has occasioned this correspondence, which as is obvious, it would be very desirable to avoid.

I also transmit herewith a copy of my letter to Mr. Smith on forwarding him his Exequatur; all of which I hope will meet the approbation of the President

It is now nearly a month since I saw it announced in the news papers that Col. Barnard E. Bee was appointed Minister to the United States, as my successor. During the time which has since

[a] L. S.

[b] After this come several unnumbered despatches. The next bearing a number is Amory to Lipscomb, August 21, 1840, which is No. 56. How the numbers 45–55, inclusive, should be assigned, it is difficult to say.

elapsed, I have been daily expecting some intelligence from the Government in relation to this matter, with instructions for my own direction. As yet however I am not favored with any communication on the subject and now beg leave respectfully to request if none has been already sent, that it may receive your earliest attention, and that I may know the determination of the President in regard to myself. Should my recall be concluded upon, I hope that a letter to that effect may, at the earliest convenient moment be transmitted to me for presentation to the President of the United States, as the courtesy due to this Government will require this formality to be observed on my taking leave of it finally.

In case however the President should desire my longer continuance in this office, I am under the necessity of requesting immediate leave of absence to return home for a few months in order that I may have an opportunity of attending to my private business, which in consequence of the short notice I had of my appointment to this place, was left by me last year in a wholly unsettled condition. Congress having adjourned, and there being no matter of importance pending between Texas and the United States, it is believed that the Secretary of the Legation will be fully competent to attend to such minor affairs as may present themselves in the interval, and consequently that no prejudice to the country's interest would be occasioned by the absence of the Minister from Washington during the next four months. I beg therefore, that you will lay my request before His Excellency the President, and inform me at the earliest opportunity of his pleasure in regard to them.

I have the honor to be with great
Respect Your Obt. Svt.

ANSON JONES.

[Here follow copies of Forsyth to Jones, March 16, 1839; Jones to Forsyth, March 18, 1839; and Jones to Smith, March 19, 1839—all relating to an application for an exequatur as Texan consul at Mobile made by Smith directly to Forsyth instead of to Jones.]

CANALIZO TO FLORES.[a]

WEBB TO LA BRANCHE.

DEPARTMENT OF STATE,
Houston, March 27th. 1839.

SIR,

In addition to the reply which I had the honor to give on the 16th. inst., to your note of the 13th., calling my attention to a note dated

[a] March 23, 1839. See Burnet to Dunlap, May 30, 1839.

Jany. 29th. from my predecessor in office, in answer to a letter of yours of the 15th. of the same month, "requiring of this Government an explanation of the conduct of Genl. Rusk in violating the territory of the United States," and requesting a more full and satisfactory reply than was given by Col. Bee to that letter, I have the honor to state, that since the return of the President to the seat of Government, the official report of the late campaign against the Indians on the North Western frontier has been submitted to him, and by his direction, the Texian Minister at Washington is instructed to assure the Government of the United States, that the act of Genl. Rusk in crossing the boundary with a military force, and marching to Shreveport, was unauthorized by any instructions from this Government; and that orders will be given to the officers commanding our forces on that frontier, so to conduct their military operations in future, as to prevent collissions with the authorities of the United States, and to respect the rights of the Government and people of that country.[a]

I avail myself of this occasion of renewing the assurances of my distinguished consideration.

The Honorable JAMES WEBB.
ALCÉE LA BRANCHE
Charge d' affaires of the United States, Houston.

LA BRANCHE TO WEBB.[b]

LEGATION OF THE UNITED STATES,
Houston, March 28th. 1839.

SIR,

I have the honor to acknowledge the receipt of your letters of the 14th. and 27th. instant, in answer to a note of mine of the 13th. in relation to the late violation of the territory of the United States by an armed force in the service of the Republic of Texas. I shall transmit these communications with immediate despatch to my government for consideration.

[a] In the copy in the archives the paragraph coming next has been marked out. It reads as follows:

"But while disavowing this transaction, and disclaiming all intention to justify any unauthorized act which would have a tendency to mar the harmony so happily existing between the two countries, the President cannot but perceive in the repeated hostile incursions of the Caddo Indians within the last two or three years, their numerous murders and depredations upon the inhabitants of Texas, and their recent assembly near Shreveport with the avowed intention of renewing their hostile aggressions (all of which is fully shown by the report of Genl. Rusk, and the documents accompanying it) strong reasons for excusing the conduct of that officer in pursuing the only course in his power of depriving them of their means of annoyance to our citizens, and especially, as this act of his was conducted with as much humanity towards them as could be exercised, and certainly did not arise from any disrespect on his part to the authorities of the United States, or from a belief, that a proceeding which seemed so essential to our own safety, would be deemed offensive to that Government."

[b] A. L. S.

With a hope that the orders of the President will put a stop to those lawless acts, and that your officers will for the future respect the territory and sovereignty of the United States, I renew to you, Sir the assurances of my distinguished consideration.

ALCÉE LA BRANCHE.

Hon.
JAMES WEBB,
Secretary of State of the
Republic of Texas,
Houston.

COMMISSION OF FLORES TO DE LA GARZA.[a]

JONES TO LAMAR.[b]

OAKLAND,
R. RIVER CO. T.
9th. May, '39.

His Excellency
Gen. LAMAR
Prest. etc.

SIR,

Your excellency is aware that by a treaty between the U. S. and Texas the jurisdiction of this section of country has been ceded to the U. S. until the line is run between the two nations. The object of this communication is to complain to you as the highest functionary of the Republic, that the civil authorities of this county in violation of the treaty still continue to claim and to exercise jurisdiction. Of this conduct on the part of the citizens of this county complaint and animadversion is made by the citizens of the adjoining state (Arks.). They reflect upon us as not abiding by the treaty as we in good faith are bound to do. Suits are frequently brought against the citizens of this county in the U. S. district Court for Arks. They are also sued in the Texian Courts. The question asked by the officers for Texas in this county is why does not the president issue his proclamation declaring that the Texian laws must cease in this county till after the line is run? If that is the meaning of the treaty.

There is about commencing a difficulty between the authorities of Texas and the U. S. as follows. Sometime last summer I was sued before a Texian Magistrate who iniquitously gave judgment against me. I then as the dernier resort took an appeal to the county court

[a] April 19, 1839. See Burnet to Dunlap, May 30, 1839.
[b] A, L, S.

but in consequence of the magistrate's having failed to execute his duty as the law requires the case was thrown out of court and judgment awarded against me for court costs etc, and the day before my arrival from Houston one of my mules was levied upon by the constable and but for one of my neighbors would have been sold for the debt and constable costs. And to day the Sherriff came and levied on some of my property to satisfy the costs of court. And now I shall appeal to the U. S. district court at Little Rock for *Redress*. The county court sits regularly and acts upon the cases of estates of deceased persons etc. lands of orphans are sold etc. etc. all which proceedings your Excellency is well aware are illegal because there is no jurisdiction and must ultimately be reversed by the proper tribunals.

I have protested against the exercise of Texian authorities till the line is run. The people are deceived by a few who are interested in deceiving them. They will tacitly submit to the treaty provided you will issue your proclamation to that effect. I hope you will do so if it be merely to show that Texas is disposed to submit to the treaty made with the U. S. and also more especially to prevent any further difficulties between us and the U. S. Authorities.

The present situation of affairs is extremely embarrassing, to submit to an assumed jurisdiction which I know does not exist or to be forced to seek redress in the U. S. Courts presents a dilemma on both sides.

While upon this subject permit me to state it has been circulated that Texas is opposed to the running of the line, and that I have opposed it etc. etc. all equally erroneous. Should your leisure permit will you answer this forthwith. Give me your views as to the jurisdiction of this country etc. that I may justify my course. My rule Genl. is that when I know I am right to follow the dictates of my conscience regardless of the result; always relying upon the maxim that whatever is my duty is paramount to all other considerations.

Who are appointed to run the line? Will it be run.

With a hope that I shall shortly hear from you permit me to be your devoted friend and

Very obt. st.

ISAAC N. JONES.

P. S. You must receive as an apology for my letter and paper that I have but a moment to write and this is the only piece of paper or one of the best pieces on hand.

Direct to me Myrtle Springs

R. R. Co.

VAN BUREN TO LA BRANCHE.[a]

[a] May 10, 1839. See La Branche to Webb (receipt), July 6, 1839.

La Branche to Webb.[a]

Legation of the United States
Houston May 13th 1839.

Sir,

I have the honor to inform you that, pursuant to the Convention of the 25th April 1838 entered into between the United States of America and the Republic of Texas, for marking the boundary between the two countries, the following officers have been appointed by the Govmt. of the United States: viz, John Overton Commissioner, John R. Conway Surveyor, and John S. Clendennen Clerk. The President of the United States before ordering these officers to proceed to New Orleans for the purpose of meeting those of Texas, awaits to receive the information of the appointment of the latter. As the meeting adverted to, is to take place before the 12th of October next, you will perceive that your Commissioner and Surveyor should be appointed without delay, in order that the information may reach Washington in due time

With Sentiments of highest esteem and respect I am Sir, your obedient Servant.

Alcée La Branche

Honl. James Webb
Secretary of State of the
Republic of Texas.

Dunlap to Lamar.[b]

Private.

Washington [City],
May 16th. 1839.

My Dear Sir,

I am requested by Mr Forsythe to give you a private letter relative to our interview this day, concerning the mediation of this Govnt. with our Mexican difficulties—as the result may not be subject to a call of Congress. He said to the Mexican minister that the Govet. of Texas had asked the mediation of his Govet. with the hope of settling on amicable terms, by a treaty of peace and limits the present difficulties between Texas and Mexico—and that his Govet. would be very happy to interpose, should it be the wish of Mexico. He thought this to be the best position to place the matter.

[a] See Records of the Department of State (Texas), Book 41, p. 201.
[b] A. L. S.

The Mexican minister replied, that he had been informed before my arrival, that this was one of the objects of my mission to this Govnt—which belief was strengthened from the fact that a Minister Exty. etc was sent here, while there was a regular minister at this court. He then stated that he advised without delay his Govnt of this intended movement of the Govet. of Texas—and further that he advised his Govnt. to sieze hold of this opportunity as a favorable one, for a final and advantages[a] adjustment of the difficulties between the two Govets.

Mr Forsythe thinks that this communication will certainly reach Mexico before Colo Bees arrival, which will be very fortunate.

Mr Ellis will be instructed to say to Prest Santa Anna that should Mexico desire the mediation of this Govnt, that nothing will give her more pleasure than to interpose. It is the President's and Mr. Forsythe['s] opinion, that should this Govnt. make a formal announcement of their acceptance of the mediation. as offered *verbally* by me, that it might excite old jealosies, and defeat or imbarrass the question. Hence it is, that I have only had verbal interchange of opinions and suggestions, and will let the matter so rest untill otherwise instructed—or untill new developments shall mark out a different course.

On my presentation to the Prest. of the U. Sts. I handed him my credentials and delivered him your personal respects with an assurance from you, that you cherished the hope that nothing should ever transpire to interrupt that harmony and good will, which so happily existed between the Republic of Texas and the U. Sts. The President in a modest and impressive manner said I trust you will present my best regards to President Lamar and my good wishes for his health and happiness. He asked me to be seated, and I then said if you will allow me in an informal manner, I will present for your consideration, one of the objects, of my mission to this Govet that you may think of it. After doing so with leave, the Prest. said he would see the Secretary of State and that they would think of the best mode to treat the subject. But he said, you can say this much to the Prest. of your Republic,[b] that it would afford him great pleasure, to render any service to his Government, when he could do so consistently with his public duties, and advised me to call and see Mr. Forsythe before I address him by any official communication—which I did on the next day and which has resulted as stated, and which I hope will terminate propitiously for the Republic. You may think that I have given too much detail—your solicitude on the momentuous question, has induced me to give you the whole ground, hoping that it will prove more satisfactory than a mere statement of results.

[a] Advantageous.

[b] Here the form changes from direct to indirect discourse.

Mr. Forsythe hinted that perhaps the Mexican Minister believed, that this would be a favorable crisis in the affairs of Mexico, to get a little money, and that perhaps, that might facilitate a speedy adjustment of our difficulties. My instructions are silent on this question—money is nothing to the peace of a nation when it can be given as in this case, without the loss of national character. Will you be pleased to have me advised, on this question. This matter was once agitated in Cabinet Council while I was a member. No decision was given, but I think it was believed that we could purchase the lands between the Neueses[a] and the Rio Grande without loosing any character. It was and is my opinion that this is the surest way to a speedy termination of our affairs with Mexico.

How would you like to have the boundary of the Republic to run to the Pacific so as to include California. This may seem too grasping, but if we can get it ought we not to take it and pay for it. Texas is *the* rising sun of the day. She presents New claims every day to the friends of Public liberty. Her character has changed here, every movement presents new hopes and new charms to this adventurous and stirring nation.

Mr. Forsythe directs me to present you his best and kindest respects.

I hope you will give my respects to Judge Webb and Genl. Johnston, and believe me to be

Your Friend and
Humble Servt. R. G. Dunlap.

Mr. Forsythe desires an app't. for his brother in law Mr. Eysa Hill Meigs, as sergeon or an officer in the marines or of the army. I will give him a letter to you. I said to Mr. Forsythe that I was sure it would give you pleasure to do so, if you could etc.

Genl Hamilton wrote me on the 14th. from Phil. not to leave before his arrival here tomorrow. He is anxious to see me. This is all as yet. I hope for the best.

Dunlap to Webb.[b]

Washington [City,] *May 17, 1839*

Sir,

I have not yet presented the explanation of my Govmt. relative to General Rusks entry with an armed force within the U States. I was afraid it might possibly result in a controversy, which would

[a] Nueces.

[b] See Records of the Department of State (Texas), Book 41, p. 204.

have paralized my efforts to obtain the mediation of the United States for the settlement of our Mexican difficulties. I have explained this in conversation—to the Secretary of State. I think there will be no difficulty. He says that this Government cannot make a conventional arrangement for either party to cross the line to punish aggressions from the Indians, but if we will show the necessity for our safety, that this Government will take immediate steps to station a competent force on the borders to restrain the Indians from incursions and depredations upon our territory and our citizens. I said to Mr Forsyth that this was all we desired, and that his Government could not discharge its obligations to Texas without such a stationed force on the borders. He stated however that the statements of the agents and officers of his Government would be relied on in preference to any statement from our Government; unless we produced evidence. The Agents of the U. States on the borders have stated that the Indians have not and do not intrude on our territories. Attached to General Rusks report to the Secretary of War he has the affidavit of Mr Vansickle, proving conclusively that the Indians of the United States have crossed the line and made war on our citizens. I will present this in a few days, not until Mr Ellis leaves the United States.

I was asked if the President had appointed a Commr. to run the line between the two Governments. I replied that the appointment was offered to a gentleman before I left but he had not either declined or accepted it. The United States will not place a force there until the boundary is settled.

Had the President not better send some agent to collect testimony relative to the crossing of the line by the Indians.

You will please forward to the President of the United States, a letter of recall of Doct Jones this will answer, altho the same ceremony is observed in taking leave where the two Governments are on good terms, that are observed in the presentation of a Minister. I send you Wheatons elements of international law which has a code of etiquet for the diplomatic corps.

I send some journals, reports etc of the United States Congress which may serve as rules or guides in some cases, when I get in funds I will send you other things equally useful to yours and all the Departments.

I have the honor to be
Very respectfully

R. G. Dunlap.

Honorable James Webb
Secretary of State Texas.

DUNLAP TO BEE.[a]

DUNLAP TO WEBB.[b]

WASHINGTON [CITY,] *May 19th 1839*

The Honl. JAMES WEBB,
Secretary of State,

SIR, Since my last to you, some things have occurred of which I deem it my duty to advise you. I enclose you a copy of a letter which I wrote Col Bee in *cypher* advising him that this Government had instructed Mr Ellis to offer the mediation of the United States etc.

I have made some suggestions to Col Bee of which I also advised you, and relative to which I shall be happy to have the views of the President. You will see that I have said to Col Bee to not leave Mexico, until time sufficient shall elapse to effect the loan. The mere fact that a mission has been sent to Mexico, has had the happiest effect in favor of the cause and prospects of our Republic. His sudden return without doing any thing, would loose us all the benefit of that opinion, which rests in confidence on the mere fact that a mission has been sent to our enemies with overtures of peace

A day or two after the interposition of this Government as previously stated, I met with Major Lewis an old friend, connected with this Govt., who informed me that he had received a letter from Vera Cruz entitled to great weight, stating that Bustamenta was rallying all the power of the Central party to attack Tampico, an American Town in feeling and partly in character, and the strong hold of the Federal party. The writer considers the result not certain, but somewhat favorable to the central party. But in the event of success, he says that Bustamenta will appeal to the pride of the Nation, urging the immediate invasion and reconquest of Texas. This is his master stroke, to quell home dissentions and fasten permanently centralism on the people of Mexico. The writer further states that, Genl Santa Anna will not oppose this movement, for two reasons. The fear of his popularity at home, and a secret wish to place Bustamenta in a condition, from which he cannot extricate himself without total ruin and disgrace.

General Hamilton arrived here the evening on which I received this information, I advised him of it and insisted on his immediate departure for Europe to negotiate our Loan. He left this city remaining here only one day to hurry the completion of the Bonds, he will loose no time. I gave him all that had occurred between myself

[a] May 17, 1839. See Dunlap to Webb, May 19, 1839.

[b] For the letter and enclosure, see Records of the Department of State (Texas), Book 41, pp. 204–206.

and this Government, which was truly gratifying to him, and in his opinion, gave him the basis of certain success. He then called on Mr Fox, and let him have a few hints on this subject. The result is truly propitious and every way promises what our Govt. most desires. Mr Fox promised General Hamilton to write forthwith to Mr Packenham the British Minister at Mexico, advising him of these matters and soliciting his co-operation with Mr Ellis and Col Bee, in a manner most available. He also promised to send a copy of the letter to Lord Palmerston, and with it to give Genl Hamilton a private letter

I shall go to Philadelphia by 1st June if not sooner, to countersign the bonds. General Hamilton said to me that he was very confident that he would close an arrangement the last of this week, for half a Million of dollars to meet the present wants of the Republic

Mr Dangerfield wrote me the other day relative to his instructions, from the Secretary of war, if you will have them forwarded to me, I will send them to him, and go and assist in the purchasing of such arms etc which it may be deemed advisable to obtain. I doubt not, that the President with all the fair prospects of a speedy peace, will feel that duty requires, vigorous and energetic measures, to meet an alternative which may happen, aided by the capricious fortune of revolution

I am just concluding a mail arrangement with the Post Master General here, to allow letters to pass the boundary line without the postage being paid, the Post Master General of Texas will have to accept and ratify the agreement until the meeting of our next Congress. I shall be able to enclose you this arrangement in a few days.

I have still delayed presenting to the State Department the explanation of my Government relative to General Rusk's entrance with an armed force in the territory of the United States for the reasons which I have previously assigned you. But I shall do so before I leave for Philadelphia

I remain with the highest consideration and respect

Your obedient and Humble Servant

R. G. Dunlap.

Washington [City,] *May 17th 1839*

My Dear Sir,

Mr Martinez the Mexican Minister has written to his Government formally, in relation to the adjustment of our difficulties with Mexico. Mr Ellis will be instructed to say to the President of Mexico that should he desire it, this Government will take pleasure in interposing on behalf of Mexico. Every thing proceeds well here. You must not hint this to any one.

General Hamilton is here and very sanguine of success I go in a few days to Philadelphia to countersign the Bonds. Let me hear from you often.

The idea seems to be to sell, with the Mexican Minister. I have no instructions but have written for them on this subject. If I get them they will be good for you. I have suggested the propriety to the President to authorize the purchase to the Pacific including Calafornia. Do not leave until something shall be done, your return would ruin every thing. If you should be rejected stay as long as you can, until we get the Loan, and have time to make a favorable impression on the courts of Europe

I will write you often, and every thing touching our duties

I am yours, Truly

R. G. Dunlap

To Col Barnard E Bee.

Dunlap to Kendall.[a]

Burleson to Johnston.[b]

Dunlap to Henderson.[c]

Kendall to Dunlap.[d]

Dunlap to Kendall.[e]

Kendall to Dunlap.[f]

[a] May 20, 1839. See Dunlap to Webb, May 29, 1839.
[b] May 22, 1839. See Burnet to Dunlap, May 30, 1839.
[c] May 24, 1839. See Dunlap to Webb, May 29, 1839.
[d] May 25, 1839. See Dunlap to Webb, May 29, 1839.
[e] May 27, 1839. See Dunlap to Webb, May 29, 1839.
[f] May 29, 1839. See Dunlap to Webb, May 29, 1839.

DUNLAP TO WEBB.[a]

WASHINGTON [CITY,] *May 29th 1839*

Honl JAMES WEBB
Secretary of State

SIR

I have the honor to enclose you a copy of a correspondence between the Post Master General of the United States and myself, relative to a Post arrangement between this Government and the Republic of Texas. I send you the Post Master General's original letter, (retaining a copy) as it is the only plan by which any mail arrangement can at this time be made. You see from the enclosed arrangement with the Post Master General of the Canada's that a similar one is proposed to our government. This will require the acceptance of the Post Master General of Texas.—you will see that the exchange of mails can be made, so soon as the Post Master at New Orleans shall be notified of the acceptance of the Post Master Genl. of Texas. Should there be any other point, on or near the Sabine or the dividing line, the same arrangement can be made through me or by a direct communication of our Post Master General to the Post Master General here. The utility of the arrangement is self evident.

The best and kindliest feelings exists with the Govert. of the United States for Texas. I go to Philadelphia tomorrow, to countersign the bonds of the Republic. General Hamilton cannot leave earlier than the 13th June for England. I will use all my endeavors, to obtain some money before he leaves, for the Republic. I see by the morning papers, that Bustamente's party has vanquished the Federalists, doubtful consequences. I send you a copy of my letter to Mr. Henderson at Paris, which I felt it my duty to write, as the information might be made useful and available. The time that would elapse before he could hear from you, is the reason which induced me to write him, without instructions from my Govt.

I have the honor to be, with the highest consideration and respect,
Your Obdt Servt

R. G DUNLAP.

WASHINGTON [CITY,] *May 20th 1839.*

The Honorable
AMOS KENDALL, *Post Master Genl.*

SIR, The general inconvenience resulting to the citizens of the United States and of the Republic of Texas from the present mail

[a] This letter and its inclosures are on file, but are so badly damaged by water as to be in part illegible. For this reason the copies in the Records of the Department of State have been followed. See Book 41, pp. 209–214. The inclosures are given in the same order as in the book referred to, except that Dunlap to Henderson, which there precedes Dunlap to Webb, is here given at the end of the series.

arrangement, induced me this morning to call on the Secretary of State, with a view to form some plan for the mutual advantage of the citizens of the two countries. The Secretary advised me to call on the Post Master General who had power he informed me to make a suitable arrangement between this and foreign Governments. If therefore you deem it not inconsistent with your power I propose that some mutual and reciprocal mode be adopted to facilitate a mail communication between the two Governments. Letters from the United States to the citizens of the Republic of Texas are sent without the postage being paid; and are consequently not transmitted. Would it not therefore be better for the revenue of the Post office Department, to allow the letters to pass, postage free from one nation to the other. In that event there would be no dead letters but an actual revenue coming from the letters of each Government. Should this mode not be acceptable; I propose that the Post Master at New Orleans and the Post Master at Galveston City be allowed, under some fixed regulations based upon the reciprocal advantages to result to the two countries. to exchange mails, and that some arrangement be made between the Post Master at Gaines' Ferry on the Sabine river and the nearest one in the United States. And that as soon as the line shall be run seperating the Republic of Texas and the United States, that this arrangement be extended to the several Post Masters of the two Governments, on or near the said boundary line.

Requesting your earliest attention to this matter, I embrace this opportunity to tender you my highest respect and consideration

R. G. Dunlap.

To which communication Mr Kendall made the following reply.

Post Office Department,
May 25th 1839.

R. G. Dunlap,
Minister Plenepotentiary from the Republic of Texas,

Sir, Your communication of the 20th Inst relative to the Post intercourse between the Republic of Texas and the United States was duly received.

This Department has no legal power to make an arrangement by which letters mailed in each republic shall be carried free to the boundary of the other, as suggested by you. The expediency of calling the attention of Congress to the subject, will be considered.

Herewith you will receive a copy of a letter to the Deputy Post Master General of the British Provinces in North America,—giving the outline of a plan now in operation between the United States and those provinces. I shall be happy to make a similar arrangement

with the Post Master General of your Republic to be executed in the following manner, viz,—

Let New Orleans and Galveston, and our nearest Post Office to Gaines' Ferry on the Sabine, and the nearest Texian office on the other side, be at present the Post Offices between which mails shall be exchanged. The Texian Post Master at the point selected in that Republic, will furnish the United States post masters at the points selected in the United States, with a Texian Mail key, and will be furnished with a United States mail key in return, and the mail bags passing between the selected offices will be secured with two locks, one of the United States and the other of Texas.

The Post Masters at New Orleans and Galveston will correspond and jointly make an agreement with the owners or agents of the Steam Packets running between the two places, for the transportation of the mail, to be sanctioned by the respective Departments, one half the compensation to be paid by this Department and one half by the Post Office Department of Texas. The carriers of the two Deptmts. shall meet at the Sabine and exchange mails

With every mail passing from the United States into Texas will be sent a way bill showing the exact amount of unpaid U. S. postage on all matter contained in said mail: and with every mail passing from Texas into the United States will also be sent a way bill showing the exact amount of paid U. S. postage on all matter contained in the mail.

In the account of the offices on both sides, these way bills will be carried into the account of the Quarter in which they *bear date*, though not received until a subsequent quarter, in order that there may be a perfect correspondence in the accounts. The Post Master General of Texas will be charged with the unpaid U. S. postage on mail matter going into Texas, and the paid U. S. postage on mail matter coming out, as shown by these accounts. He will render his account Quarterly to this Department in which he will charge himself with all unpaid U. S. postage on mail matter on hand in the Post offices of Texas at the begining of the Quarter, with all unpaid U. S. postage on mail matter sent from the U. States into Texas within the Quarter, and with all paid mail matter sent from Texas into the United States during the same time.

He will then credit himself; 1st with the unpaid postage on mail matter from the United States remaining on hand in all the Post Offices of Texas at the end of the Quarter, 2. with the postage on Dead Letters from the United States which have to be returned to this Departmt. with the account, together with the postage on dead newspapers and pamphlets which need not be returned, and 3d. with a commission of 30 pr cent on the first hundred dollars of United States letter postage actually collected at each post office in Texas

within the Quarter, 25 per cent on the next three hundred dollars, 20 per cent on the next two thousand dollars, 8 per cent on any amount exceeding two thousand four hundred dollars, and 50 per cent on all the U S. newspaper and pamphlet postage actually collected, being the rates of commission allowed by law to Post Masters in the United States.

The balance due the Post Master General of Texas will, with all convenient despatch, deposite or cause to be deposited in the legal coin of the United States or its equivalent, with the Post Master at New Orleans, upon whose certificates of deposite he will receive credit for the amount deposited.

It would give me pleasure to adopt a reciprocal arrangement by which this Department should undertake to collect Texas postage, were it practicable and expedient.

The post offices in the United States now approach thirteen thousand in number. Texas letters would be received at several thousand of these Offices, each of which would have to keep and render separate accounts for those letters. This would increase the labors of the Post offices, and of the Auditors office beyond the competency of the clerks now allowed by law. Texas dead letters would also have to be returned with those accounts, and would have to be seperated from the other Dead letters in the Department, in which process it would not be possible to avoid frequent errors, unless we had a considerable increase of clerical force. It would render the business of this Department greatly more complicated, exposing it to mistakes and losses, when on account of its vast extent, true policy requires that its operations be simplified as much as possible. If our Post offices were but a few hundreds instead of many thousands, it would be practicable and safe to collect, and account for Texas or Canada postages, and no objection is made to it on the score of principle.

The proposed plan will give the Texas Post Offices the benefit of the commissions both on the United States and Texas postages accruing from the correspondence between the two Republics, only one of which would be enjoyed under a reciprocal arrangement.

I avail myself of this opportunity to assure the minister of Texas of my high consideration and respect.

Amos Kendall.

Washington [City,] *27 May 1839.*

To Amos Kendall, *Post Master Genl.*

Sir,

I have the honor to acknowledge the receipt of your reply, with its enclosures, to my proposition to establish a post communication between the United States and the Republic of Texas.

The plan which you propose with the reasons you have assigned I have no doubt will be acceptable. I shall loose no time in forwarding it to my Government for its approval and acceptance.

I shall however be happy to learn before I write to my Govt whether you desire the delay of the execution of the proposed arrangement until your Department shall be notified of its acceptance by the Post Master General of the Republic of Texas. Or whether it would not be consistent with your views to have this arrangement put into immediate operation by instructions from your Department to the Post Master at New Orleans and near Ganes' Ferry on the Sabine, Upon the Post Master General of Texas notifying them of his acceptance of your proposition sending at the same time his acceptance to your Department.

I embrace this occasion to tender to the Post Master General my high consideration and respect.

I have the honor to be,

Your Obt Servant R G. DUNLAP.

POST OFFICE DEPARTMENT *May 29, 1839.*

R. G. DUNLAP, *Minister*
Plenipt. from the Republic of Texas

SIR, I have the honor to acknowledge the receipt of your letter dated 27th instant.

A copy of the proposed arrangement regulating the Post intercourse between the United States and Texas will be sent to the Post Master at New Orleans with instructions to carry it into effect as soon as he shall receive official notice from the Post Master General of Texas that it has been acceded to and that the necessary instructions have been given to the Post Master at Galveston.

Like instructions will be sent to the nearest Post Office to Gaine's Ferry as soon as it can be ascertained whether it is held by a man who is competent to the new duties to be imposed, and if it should appear that he is not, Natchitoches or some other point for making up the Texas mails will be selected, of which you will be duly informed.

With high consideration,

Your Obt. Servt AMOS KENDALL.

WASHINGTON [CITY,] *May 24th 1839.*

MY DEAR SIR,

The uncertain and tardy means of information from our Republic to Paris induces me to drop you a few lines relative to the action and views of the President touching our foreign relations.

On the breaking out of the revolution of the Federal Party in Mexico, the President deemed it advisable to send Col Bee to that Government and myself to the United States, with a hope to bring about a settlement of our difficulties through the mediation of the United States. (What I write you is in confidence, knowing you understand how to use it) This Government thought it better to offer mediation to Mexico, stating that she did not wish to do any thing but what should be for the interest and acceptable to Mexico. The Mexican Minister here thought this would be the best course, to avoid the old prejudices which would be easily excited in the minds of the jealous Mexicans against the United States interference. Mr Ellis has been instructed on this matter, and the Mexican Minister has written home advising an adjustment of our difficulties as I have been unofficially advised. Mr Fox the British Minister, as I have also had handed to me, has written to Mr. Packenham at Mexico advising him of all these things and suggesting the propriety of his co-operation with the American and Texian Ministers. He also promised to give to General Hamilton (who leaves for Liverpool with Mr Burnley to negotiate our loan, on the 13th of June) to send Lord Palmerston a copy of his letter to Mr Packenham, and give his views also touching the affairs and prospects of Texas.

I am induced to believe that the late Revolution in Canada will cause France to delay our recognition until England shall take the lead. I do not doubt, that the result of Mr Saligny's report of Texas will be favorable. I have written Col Bee all these things. Mr Ellis sailed for Mexico on the 20th Inst. Bustamenta is at the head of the army and Santa Anna President *ad interim*. The Federalists are with us and have been writing to the President with such assurances. Santa Anna stands pledged before the world to settle our matters peaceably, he now has a chance, with his enemies at home, with him on the question. Things present truly a bright and happy promise for our country. The Republic is populating rapidly with the best character of the south. To obtain peace in a manner most consistent with the interest and character of the country, the President adopted the course I have just hinted at, and declined participating in the domestic quarrel and feuds of Mexico, which you know could have been made greatly advantageous to Texas. But this course would at the same time, have so unsettled our national character in Europe and even here, that such a course with the apparent signs of peace might have proved very deleterious in the present crisis. It would have given us the character of mad adventurers for that fame which results from war and conquest, which would have lost us the good opinion of the civilized world. But if Mexico shall force the alternative upon us, then the just and enlightened of every nation will vindicate and sanction such a step. It will then be the work and sin of Mexico,

from which the Texians will as usual gradually work out their own redemption

The Mission to Mexico will have one happy influence if it shall fail in every other respect (which I do not anticipate). It will hold out in bold relief the signs of a speedy and final peace, which will add greatly to the value of our bonds. I shall be very happy to hear from you.

Yours etc.

P. S. The mornings paper from New Orleans announces the fact that the French Fleet is off Galveston, and conjectures that the Admiral has something political connected with his visit favorable to Texas.

Public opinion in the United States has changed most favorable for Texas, since the election and administration of President Lamar.

I am with high respect

Your obdt and humble Servt

R. G. DUNLAP.

Honl J. PINCKNEY HENDERSON,

Paris.

BURNET TO DUNLAP.

DEPARTMENT OF STATE,

Houston, 30. May 1839.

Hon. RICHARD G. DUNLAP.

SIR,

I am requested by the President to transmit to you the accompanying documents, marked as in the subjoined schedule, which were recently captured from a party of Mexicans as you will find detailed in the copy of the report of Col. Burleson to the Secretary of War, herewith transmitted and marked B2.

This government had long been in possession of testimony sufficient to justify them in adopting the most summary and imperative measures towards the Cherokees and other bands of northern indians resident in Texas. Their unauthorised migration and protracted stay in our Country has always been a source of disquietude and anxiety to the civilized population and their removal has been long desired. But the President, actuated by feelings of humanity towards a people who have been too much accustomed to profit by and abuse similar indulgences, has been unwilling to resort to force to procure their expulsion, while a hope could be entertained that their withdrawal might be effected by peaceable means. That hope has been founded on the applications heretofore made to the Government of the United

States relative to this interesting subject. Those applications appear to have been ineffectual thus far, while the humane forbearance on the part of this government towards these intruding Indians, has been productive of many disasters to our frontier settlements, and if longer continued might result in irreparable injury to Texas. The most enduring patience may be exhausted, and must yield to the duty of self preservation, when its exercise evidently gives encouragement and aggravation to the hostile spirit of the offenders. Such is our present condition relative to these immigrant savages; and the President has resolved to put an end to the repeated aggresions of the Cherokees by *compelling* their departure from our territory. You are at liberty to make known this fact to the government at Washington, and to request that such measures may be seasonably adopted by that government, as will fulfill the provisions of the 33d. article of the treaty entered into between the United States and Mexico on the 5th. April 1831, and will effectually prevent the return of those savages to our territory.

Our right to eject these Indians, can scarcely enter into your correspondence with the Government of the United States; but should it be incidentally alluded to, you will find it clearly suggested in the letter of Mr. Forsythe to Mr. Castillo Chargé de Affairs from Mexico which is transcribed in despatch No 42 from your predecessor to this department. You will not however solicit an elaborate discussion on this subject or any other connected with the respective obligations of the United States and of Texas, resulting from the treaty of 1831 between the United States and Mexico: for a protracted discussion is seldom desirable and may be productive of inconvenience, if not of ill-feeling between the parties, which we would very sedulously avoid. The President conceives that the Government of the United States has frankly and justly acknowledged the right of Texas to the benefits of that treaty, especially in reference to the 33d. article, which has a direct territorial relation to this republic as now organised; and he cannot imagine that any objection will be raised or difficulty occur on that ground. You will therefore confine your communications, unless constrained to take a wider range, to the fact of the intended expulsion of the Cherokees and of such other of the immigrant bands as may prove to have been or may hereafter be implicated in the late atrocious attempt on the part of the Mexican authorities to employ the indians of the United States in desolating our frontiers. These machinations have been known to us for some time, but are now so fully developed in relation to the Cherokees, that longer forbearance towards them, is utterly inconsistent with the first duties of this government.

If in the progress of your correspondence, it shall be assumed as has been suggested by the Chargé de Affairs here, that the government of the United States is not bound to receive or to restrain those Indians and the ill advised treaty partially made with them on the 23 february 1836 by Commissioners appointed by the late provisional government of Texas, be alleged in support of this position. You can present a conclusive refutation of that assumption in the fact that that pretended treaty has never been ratified by any competent authority on the part of Texas. On the contrary, when it was first submitted to the Senate of the Republic, which was the only power authorised to confirm it, it was rejected by a decisive vote of that body; and no subsequent action of the Government has been had upon it. Indeed should this matter be pressed upon you in such terms as to indicate a determination on the part of the government at Washington to avail itself of that treaty, as absolving it from all obligations touching those indians (which can hardly be possible,) you can further disclaim the validity of the treaty on the ground that the provisional government itself under whose authority the treaty purports to have been made, was acting without the sphere of any legitimate power and could not in a matter so extraneous to the avowed purposes of its creation as the alienation of a large and valuable portion of territory impose any moral or political obligations upon the independence and separate government of Texas. You will recollect that that provisional government passed its brief existence anterior to the declaration of Independence and was organised under the Mexican federal constitution, of 1824—that although its organization was in direct violation of that constitution, and may be considered as partially revolutionary, its assumptions of power were no more obligatory upon the independent government of Texas, than they would have been on the fenderal government of Mexico had that Government been restored and Texas returned to her previous attitude. By the very constitution of that government, Texas, as such, was incompetent to make treaties. She was but a *department* of the confederate State of Coahuila and Texas, and in her conjunct State capacity was also precluded from entering into treaties with foreign powers. I suggest this as an ultimate plan of argument to be pursued, but not to be resorted to except in case of strict necessity.

You are aware that the lines designated in the treaty were run or pretended to be run by Col. Alexr Horton, some time in the fall of last year at the instance of Genl. Houston, who was then exercising the executive functions of this government. This fact too may be adduced against you; but you will find no great difficulty in divesting it of any serious consideration, by suggesting that the act of Col. Horton was without authority, the President having no right to carry a treaty into effect anterior to or independent of the action of

the Senate on such treaty. In this instance the assumed right was exercised in direct contradiction to the advice of the Senate, and every act so done was an absolute nullity, and could impose no legal or moral obligation on this government.

Should the government of the United States decline to render you any satisfactory assurances concerning the future return to our territory of the Cherokees now about to be ejected from it, this government will be compelled to resort to its own energies; and a protracted war may ensue between Texas and the *northern* Indians within her borders. We should greatly deprecate such an event, for it cannot escape an ordinary discernment that it would be more than likely to enlist a portion of the original tribes from whom these intruding bands have emanated, and who have been recently removed to the west of the Mississippi by the Government of the United States. It is also more than probable that such a contest would involve the government of the United States in an Indian war of greater magnitude than any they have heretofore sustained. It is not intended to impute any error to that government, in the congregating of some many [*sic*] tribes of savages on their remote western frontier, for they did so in the exercise of an indutiable right. But while we fully acknowledge the abstract right, we cannot but perceive and deeply regret that its practical operation has been already eminently injurious to Texas and may possibly inflict still more serious evils upon her. The migration of the several bands of those very tribes, to our territory, was a direct and natural consequence of their removal from their ancient habitations and their location in our vicinity, by that government. We entertain too profound a confidence in the magnanimity of the Government of our father Land to believe for a moment that they will omit to give to this fact, all the consideration that an enlightened sense of propriety could suggest; or that they will fail to find in it, additional reasons for a punctual observance of the stipulations in the treaty of 5 April 1831, heretofore referred to. No government, professing to act on the benificent principles of Christianity, will permit itself to prosecute a course of domestic policy, the evident tendency of which is destructive of the peace and happiness of a neighboring nation. It will either abandon the policy, or, should its continuance be of paramount importance to its own well-being, it will so modify and restrain its pernicious results that the neighbor people may suffer no serious detriment from it.

In previous instructions from this department, you will find the Coshattees and the Boluxies mentioned in connection with the Cherokees and other northern tribes. These bands have been too long resident in Texas (I believe they migrated from the Creeks during the American revolution) to be included in the list of intruders from the United States. You will not, therefore, press them upon the atten-

tion of that government in your future correspondence. The Cherokees, Kickapoos, Delawaris, Pattawatamies, Chocktaws, Shawnees, and Caddoes are the bands that have recently entered our territory, and of whom we complain. The Cherokees, Kickapoos and Caddoes are the most numerous and the most obnoxious of these, and it is their recall by the United States which we most ardently desire, and to which we are clearly entitled.

You will also request the attention of the Government to which you are accredited to the navigation of the river Sabine. This government would not now discuss the subject at length or insist on an equal right with the United States to the navigation of that border stream; but would prefer laying that matter over until a final treaty of commerce may be in negociation. But for the purpose of avoiding any difficulty between the citizens of the two governments it is very desirable that some definite understanding be had on certain points connected with the navigation of that river. Should Texas be precluded from searching vessels within the waters of the Sabine or the bay and pass or outlet of the same, many and serious inconveniences will result to her. Her revenue laws may be easily evaded and her revenue greatly prejud[ic]ed by smugglers. It is also to be apprehended that the law prohibiting the introduction of Slaves from any foreign country except the United States, will be exposed to frequent violation in that quarter. You will therefore propose to the Government at Washington the propriety of their issuing orders to their military and naval commandants to permit the Texian authorities to board and examine all vessels that may enter the Pass of the Sabine and to seize and convey them to a Texian port for adjudication, should they be found violating the laws of this country.

The President is quite indisposed but I trust will be about again in a few days.

Very respectfully
I have the honor to be
Your obt Servant,

DAVID G. BURNET.
Act'g Secy. of State.

Schedule of documents referred to in foregoing and accompanying same [a]

No. 1. Canaliso's instructions to Flores, Feby. 27th 1839.
No. 2. Same to Cordova, March 1st. 1839.
No. 3. Same to Same, Feby. 27th. 1838. (*should be 1839.*)

[a] For the documents listed, see Calendar, except for No. 8, which was not printed with the rest. None of them are on file in the Texan archives.

No. 4. Same to Flores, March 23d. 1839.
No. 5. Same, Commision to Juan de la Garza, April 19th. 1839.
No. 6. Same, Circular to Indian Chiefs, the originals of which in Spanish are marked thus—A, B, C, D, E, F, G, H, February 27th 1839.
No. 7. Same, passport to Flores and Don Juan Bautista Soto, March 9th 1839.
No. 8. Filisola's passport to Manuel Flores, February 2, 1839.
No. 9. Cordova to Flores, July 19th 1838.
A 2. Divers letters relating to the visit of the Cherokees to Matamoros.[a]
B 2. Report of Col. Burleson, May 22, 1839.[b]

DUNLAP TO LAMAR.[c]

PHILADELPHIA,
June 2nd 1839.

MY DEAR SIR,

I drop you a few lines—that you may find some causes, or consolation, for the hope and prospect of your administration abroad.

The Globe of the 1st. inst has given you and the country a fair face, for the sceptical world. Read it. I repeat, that every thing at Washington, is as you would desire it, for Texas. She is the absorbing theme of the day. I told Genl. Hamilton and Mr. Bu[r]nley that you said to me that they must not cross the ocean without getting you some money. I was afraid of contingencies in Mexico. To be caught without money would be very imbarrassing. But on my arrival here I was happy to learn that an arrangement had been made to allow you to draw for $200,000, of which you have been advised. I told them that you would be certain to draw. Mr. Burnley replied that he did not think they could have made the arrangement, if it had been believed you would want the money. The plan is fixed and you can get the money, but they wish it kept a secret for fear of effecting the acceptors credit. The loan will be certainly made. Mr. Biddle as I believe is in the matter soul and body. He brags of Texas largely.

Dr. Breckenridge lectures, on the condition and prospects of Texas on Thursday evening, in this city. The city is in a stir about it.

[a] These include the following (see Calendar): Huston to the Secretary of War (Johnston), December 13, 1836 (extract); Huston to the Secretary of War (Johnston), December 31, 1836 (extract); Coffee to Huston, December 17, 1838; Raines to Huston, December 18, 1838; Butler to Huston, December 21, 1838; Douglas to Wharton, December 23, 1838; Huston to the Secretary of War (Johnston), December 24, 1838.

[b] To Secretary of War Albert Sidney Johnston.

[c] A. L. S.

He speaks of you every where, in the kindest and most flattering terms.

We have just heard that Mexia has been shot. But one feeling of indignation, at such cruelty has been manifested. Bustimete[a] may try to invade you. Your prudence in not invading Mexico, during her troubles, has strengthened public confidence, here in your administration. But if the Mexicans, shall again put their bloody and poluted feet on our consecrated soil, Delenda est Carthago, is the motto that will bring to your standard, thousands of gallant spirits, from the United States, with the good wishes of the whole country for your success. Such an event, will be but the birth days, of new spirits of chivalry, who will enter into the cause of a nation['s] liberty with as much devotion, as the soldiers of the cross, ever, moved in the Crusades against the delusive power of the cressant.

Had you not better send Genl. Henderson power to draw on our Comrs. in London for some money. I expect he is out. Mr. Seligny pass[ed] through to day to New Yorke. He is delighted with Texas. Mr. Payne the Charge of France said to me the day before I left Washington, that he would urge upon his Govnt. the immediate recognition of our Independance. But he further stated that while in Paris last summer, that he was certain the feeling then was, to wait for England to take the lead, in consequence of her trouble in Canada.

Admiral Baudin has removed their delicacy on this matter. Mr. Payne has married an American wife the daughter of Mr. Lewis, they all want to go to Texas—one as a minister, the other as a planter. Mr. Lewes has been worth a good deal to me. Things look well. The facilities for travelling are so great here, that distance is nothing. If you wish it, and intend to purchase any munition of war etc. it will afford me great pleasure to go with your agent, Mr. Dangerfield who is with his friends waiting for orders.

Remember my Dear sir, if the war flag is again, hoisted in Texas, by the Mexican invader, you must allow me to go home. I can carry men enough with me, to answer all your purposes. Still I am inclined to the belief, that the interposition of this Govet, with what the British Minister has done, will hold the Mexicans in check, if their crippled means do not.

The Belgian Minister has seen me often. He is a member of the Republic of San Marino, and feels proud to advocate its principles, where his King is not effected. He is very warm for Texas, but says he has to wait for England and France. He is aiding me, to have an interview with [the] Mexican Minister and talks of going to Texas this summer. He is the most popular minister at Washington as a man.

[a] Bustamante.

I will see the Mexican Minister soon after my return. I begin to sign the bonds in the morning. They are in $500 and $250 bonds. It will take me 10 days to countersign them.

I am most Respfuly
Your Friend etc.

R. G. DUNLAP.

LA BRANCHE TO BURNET.[a]

LEGATION OF THE UNITED STATES
Houston 18th June 1839.

SIR,

In obedience to instructions from my Government, I have the honor to submit the claim of Messrs Campbell and Dean upon the Government of Texas for the seizure by some of its Military Officers, of a quantity of bacon, and for damages sustained in consequence thereof. The circumstances of the case are as follows: In the spring and summer of 1838, Messrs Campbell and Dean stored on Red River in the state of Arkansas, twenty five thousand one hundred and ninety three pounds of bacon, and offered the same for sale. On the 20th day of November of the same year, a portion of said bacon, viz: five thousand pounds was forcibly seized, carried away and distributed to the Texian Army, by virtue of the orders of Brigadier General John H Dyer of the Texian Militia, as appears fully from the receipt of the Officer by whom the bacon was seized, a copy of which is herein enclosed. The bacon being assorted and the Texian officers having taken the choice parts of it, the claimants were unable to dispose of the remainder, and consequently were greatly damaged thereby.

The amount claimed is ten thousand and seventy two Dollars, thirty seven and [a] half cents ($10072.37½ ct) say two thousand five hundred dollars ($2500.) for the five thousand pounds of select bacon and $7572.37½ ct. for Damages.

In presenting this reclamation, I will again invoke the attention of the Executive to such illegal proceedings and acts of violence perpetrated upon citizens of the United States by military officers of Texas, and which will be a constant source of difficulty unless adequate measures be adopted to check them.

Having thus explained the nature of the claim, I feel assured, from the equitable disposition and well known justice of the President, before whom I request you to lay the present communication, that his Excellency will render full satisfaction to the claimants.

[a] See Records of the Department of State (Texas), Book 41, p. 217.

I avail myself of this opportunity of assuring you of my distinguished consideration.

ALCÉE LA BRANCHE.

Honorable DAVID G BURNET,
Acting Sectry of State of the Republic of Texas.

(Copy)

Republic of Texas To C. W. Dean and Campbell Dr.
1838. Novr 20th. To five thousand pounds of bacon.

I hereby certify that I received the above amt. of bacon by the hands of R. G. Bayerly, 4500 pounds of said bacon were sides, the balance line, bones and shoulders for the use of the 1st Regt. 4th Brigade Texas Militia. Said bacon was pressed by order of John H. Dyer, Brigadier General commanding said Brigade.

Given under my hand this 20th Novr 1838

(Signed) EDWARD WEST, *Quarter Master*
1st Regmt 4th Brigade T. M.

Approved Febry 7th 1839
(Signed) JOHN H. DYER
Brigadier Genl. 4th Brigade Comd.

DUNLAP TO LAMAR.[a]

PHILADELPHIA *June 22d 1839*

To the PRESIDENT.

SIR, General Hamilton informed me to day that Col Bee had written him that the Government of Mexico, had or would send a private Agent to New Orleans to treat with him for a final peace etc. I presume you have been advised of this, but for fear that some accident may have kept back this information I now write.

Can you not send me some evidence of the incursions of the Indians from the United States into Texas, upon such a shewing this Government will do all her duty requires, with perhaps this exception. Mr Forsyth said that I was under an error in relation to the duty of the United States, upon one point. That this Government was not bound to recall their Indians who went to that country peaceably before the revolution. This point he said had been somewhat settled by Mr Poinsett while he was in Mexico. I think differently especially since this Govt. acknowledges the entire obligations of the treaty of 1831

[a] See Records of the Department of State (Texas), Book 41, p. 219.

between Mexico and the United States. But before I made a call on this Government on this point, I thought we had better settle the other question that of incursion, which as I before said must be based on evidence, as the agents of the United States have denied this fact.

In a personal conversation with Mr Forsyth on his way to Portland the other day he went further upon the question of the mediation than I understood, when I wrote from Washington. Mr Ellis was directed to say, that the United States had underwent no change of opinion relative to their Texian difficulties, and was directed to refer, to a conversation which General Santa Anna held with General Jackson, which was involving his fidelity as a man and an officer, to fulfill his engagements with Texas, carrying out very strongly the truth of the charge, that there was at least a strong american feeling with the Government favorable to Texas. This Mr Forsyth said he gave in the strictest confidence and so do I impart it, if I have not previously done so.

I am really annoyed daily about Texas, and the signing of the bonds,—pulled all about, which by the bye, is all truly flattering to the new Republic.

I have no doubt if Col Bee had have remained until Mr Ellis' arrival, that he would not [have] left as he did. Mexico will no doubt accept the mediation of the United States. France and England will recognize Texas as a nation this season.

Mr. Burnley left to-day for New York and will leave there on the 23d. in the Garrick for London. Mr Biddle rode with him part of the way. I have no doubt about the success of the Loan, altho money here is worth with the Brokers from 1 1/4 to 1 1/2 per cent per month

Another schooner will leave next week, one in three weeks thereafter, one of the Brigs has been launched. All will soon be ready. They are elegant models, and will be a proud ornament to our young Republic.

Mr Henry Williams was here the other day and said that the laws were so strict that, he could not ship men in those vessels. If you want seamen you had better authorize him to ship them in other vessels. He said you could order the schooners from Galveston under our own flag to New Orleans, and allow the Captain to announce her arrival with 50 or 100 men and that they would not notice this but allow her to depart with this number.

I enclose you Mr Grahams bond. He is willing to accept of the appointment of consul for this city. I prefer him most decidedly to either of the other gentlemen recommended, he is connected with his Father who is one of the wealthiest merchants in the city, besides all this he is a Gentleman of fine habits, intelligence and good character in all respects. Mr. Allen is next best. Mr. Graham is worthy

of almost any trust, and would be creditable to the Republic. He is a man that will suit your taste

I have the honor to be with great consideration
Your Obdt Servant

R. G. DUNLAP.

To his Excellency
MIRABEAU B. LAMAR.

DUNLAP TO FORSYTH.[a]

LA BRANCHE TO BURNET.[b]

LEGATION OF THE UNITED STATES
Houston 28th June 1839.

Mr. LaBranche presents his compliments to Mr Burnet and acknowledges the receipt of Mr Burnets note in reply to his communication relative to the claim of Messrs. Campbell and Dean.[c] As Mr Burnet awaits for information from Brigadier General Dyer on the subject, Mr. La Branche declines making at present the observations which the note of Mr Burnet suggests.

Mr LaBranche begs Mr Burnet to accept the assurances of his distinguished consideration and esteem.

DUNLAP TO BURNET.[d]

NEW YORK,
June 28th. 1839.

The Hon.
DAVID G. BURNETT,
Acting Secty. of State.

SIR,

I have the honor to acknowledge the receipt of your communication with its inclosures touching the digested plans of the Mexicans and indians for the annoyance of Texas I shall without delay lay this matter before this Govet. and from the evidence, as well as the right and justice of the case look for the most favorable result.

I informed the Secretary of State this day, of the appointment of a Comr. etc to run the line between the two Govmts. I was very

[a] June 26, 1839. See Dunlap to Burnet, June 28, 1839.
[b] See Records of the Department of State (Texas), Book 41, p. 220.
[c] No copy of Burnet's note has been found.
[d] A. L. S.

happy to receive your letter on this subject, as this Govert had manifested some solicitude on the question.

I have the honor to enclose you a copy of a letter which I felt it my duty to write to Mr. Forsythe, after Colo. Bee[']s] rejection, by Mexico.

I wrote this for two reasons, first, that the Mexican Minister here should be advised, that however desi[r]able it may be to our Govert. to have peace, that she will be ready to meet the alternative, and that she intends not to be delayed long, by false hopes—and secondly to show this Govnt. that while there is a reasonable hope for peace, that Texas will not blockade the ports of Mexico. These are inferences clearly to be seen from my letter. A blockade at this time, would be considered unkind, as it would effect the commerce of the United States. Great Britain would not advise its consequences. In fact it would injure our negociations for a loan for the Govnt to assume an appearance that indicated war. After this shall be effected, the Govet, with ample means, will be left to consult its own views of the course best to be adopted, for a final termination of the existing difficulties with Mexico.

I arrived here last night at 1 A M. and met Colo. Wells this morning with your despatches. He arrived yesterday. Mr. Dangerfield came here with me.

If any thing shall occur to defeat the loan, it will bankrupt our Comrs. They obtained the advances for the Govnt on their own responsibility. You are aware they cannot sell the bonds unless they get par for them, under their instructions. If the negotiation shall be transferred to Washington, as I believe it will, if we have any with Mexico, you will see the necessity of giving me some instructions, if the Govmt. intends to pay anything for a treaty of peace and limits. In your instructions you will allow me I hope, to direct the attention of the Govet, to the extension of our limits to the Pacific. This would make Texas command the respect of the civilised world. If Mexico will enter into a treaty in good faith, to settle our difficulties, she will expect to base it on a purchase by Texas. When we commence a purchase, it may be easy to extend our limits. I make this suggestion without argument, for the consideration of the Govet. I am aware that my attitude to the Govert forbids me to offer advice, still I hope my solicitude for its prosperity will be a sufficient apology for the suggestion which I have made. I will send this Govt. a communication to morrow evening with the evidence touching the indian question.

I shall be here 8 or 10 days. I have to counter sign a new set of bonds, printed in a form, to be redeemed by the sinking fund, at the election of the Govet.

I have seen copies of letters from Mexico which Mr Treat will hand you. The secret agent of Mexico its said is now in New Orleans. I am afraid there is some decoying or deluding design in this movement. I hope my entire want of faith in the present ruling power of Mexico, may prove, that my incredulity will have no future developments to sustain it

Mr. Saligny informed me this morning that he had not yet reported to his Govet. He regreted that he had not. He goes on the 6th. of July, direct to France. I believe France will act without delay on his report.

He said that Santa Anna has sent a secret agent to England. This mission has various objects according to conjecture. Some think, its to sell Texas to England—some to borrow money—some, to prevent the recognition of Texas etc etc.

Public opinion in the United States, has recently grown with a strength and rapidity, favorable to the character and fitness of Texas, for self Govet, that she need not fear any emergencies which her enemies may [a] upon her

I regret to learn that the Prest. is indisposed. I hope heaven will protect you, and the country.

I am most Respectfully
Your Obt. Sert.

R. G. Dunlap.

P. S. I have no secretary with me, and I have not time to copy my letters.

[Copy.[b]]

Washington [City], *June 26th 1839.*

Honl. John Forsyth, *Secty of State*
Washington City.

Sir,

I have the honor to inform you, that the Government of Mexico declined receiving our Minister. Col Bee writes me from Havana that notwithstanding this he was treated with the utmost kindness and courtesy, and that he entertains hopes of a final settlement of our difficulties with Mexico during this season. I am inclined to think that Mexico will not refuse the mediation of this Govt. But if she should you will readily see the importance it will be to my Government to have as early information of the fact as practicable.

As they now stand you are aware that my Govt. will feel that her hands are somewhat tied. Hence it is that duty requires that I

[a] Illegible.

[b] See Records Department of State (Texas), Book 41, p. 222.

should loose no time in endeavoring to attain the earliest advice of the determination of Mexico relative to the tendered mediation of the Government of the United States to *that Government* of which yo[u] did me the honor to inform me previous to Mr Ellis' departure from New York. This attitude of the question and prospects of pacification will I have no doubt restrain my Governmt. from any movement against Mexico for the present. Respect for this Government whose interposition for peace has been influenced by a friendship and disinterestedness for both Mexico and Texas, will I have no doubt have its desired and forbearing consideration with the Government of Texas.

My Government desires peace, and the President will do every thing in his power to obtain it that will not impugne the national honor of the Republic.

I embrace this occasion to tender to the Secretary of State renewed assurances of my highest consideration and respect

R. G. Dunlap.

La Branche to Burnet.[a]

Legation of the United States
Houston 28th June 1839

Mr La Branche presents his compliments to Mr Burnet, and acknowledges the receipt of Mr Burnet's note in reply to his communication relative to the claim of Messrs Campbell and Dean. As Mr Burnet awaits for information from Brigadier General Dyer on the subject, Mr La Branche declines making at present the observations which the note of Mr Burnet suggests.

Mr La Branche begs Mr Burnet to accept the assurances of his distinguished consideration and esteem.

Dunlap to Forsyth.[b]

Receipt of La Branche to Webb.[c]

I, the Undersigned, Charge d' affaires of the United States of America near the Government of Texas, duly authorized by the President of the said United States, as appears by a Power dated the tenth day of May, 1839, to receive the money due the United States

[a] A. L.
[b] June 29, 1839. See Roberts to Burnet, August 2, 1839.
[c] For amount of indemnity in case of the brigs *Pocket* and *Durango*. D. S.

by the Government of Texas, agreeably to a Convention entered into between the two Governments, do hereby acknowledge to have this day received from the Honorable James Webb, Acting Secretary of State, a draft to the amount of twelve thousand, four hundred and fifty five dollars drawn by the President of the Republic of Texas on the Merchant's Bank of New Orleans, to be paid at sight in silver; and I do hereby give full acquittances to the Government of Texas for all claims against said Government by the Government of the United States for the capture, seizure and detention of the brigs Pocket and Durango, and for injuries suffered by American citizens on board the Pocket. The present acquittance to take effect as soon as the draft shall be paid.

Given at the City of Houston under my hand and Seal this Sixth day of July A. D. One thousand, Eight hundred and thirty nine.

ALCÉE LABRANCHE.

[With this must have been enclosed a certified copy which is filed separately, of Van Buren to LaBranche, May 10, 1839, conferring authority to give the receipt.]

FORSYTH TO DUNLAP.[a]

POINSETT TO FORSYTH.[b]

FORSYTH TO DUNLAP.[c]

DUNLAP TO LAMAR.[d]

NEW YORK,
July 21th. 1839.

MY DEAR SIR,

The President and Mr. Forsythe reached this city a few days after I sent my communication to the State dept., touching our indian relations with this Govet. I saw the Prest. and Mr. Forsythe, they both said that this Govet would do what was right, and that the matter would be refered to Mr. Poinsett the Sect'y. of War.

I wrote Mr. Roberts to call and see Mr. Poinsett, which he did, and which resulted favorably.

[a] July 17, 1839. See extract in Amory to Lipscomb, May 8, 1840.
[b] July 18, 1839. See Roberts to Burnet, August 2, 1839.
[c] July 19, 1839. See Roberts to Burnet, August 2, 1839.
[d] A. L. S.

Mr. Forsythe informed me, that he could not consent to allow the right to search American vessels as this had been refused the British Govt—But that if there was danger of negroes being smuggled into Texas, under the American flag, that some armed vessels would be ordered to cruise in that quarter. I thought it best after this to make no written proposition on the subject.

Mr Roberts will inclose a copy of my letter and Mr Forsythe's answer, to the State department. I insisted in a personal conversation with Mr. Forsythe, that this Govet was bound to recall all those indians who emigrated to Texas after the treaty of 1831, between Mexico and the U. Sts.

Mr. Forsyth seemed to think that our Govet must pass some law or you must issue a proclamation forbiding the incursion of the indians into our territory, and ordered those now within it to leave, that is, that portion who migrated to the country without the consent of Mexico, previous to the revolution, and without the consent of Texas since that period.

He then said if the indians after this, do not leave and we find it, too great a task to remove them, that upon an application, this Govet would help us. I give you all this, that you may see more clearly the disposition of this Gov't than may appear in my correspondence.

Capt Moore['s] resignation has been accepted. He is only delaying his departure for the Republic, to witness a new invention of bursting shot. They are fired like other balls from the cannon, and explode, after they strike the vessel, sticking to the same, by a percussion cap, which goes off from the jar or concussion by the striking of the vessel. It then tares it as it explodes and is believed to be the most distructive mode yet discovered for naval warfare. He is also attending to the carbines and pistols for the vessels etc Colo Dangerfield is here and waiting with much solicitude for orders etc to complete the object of his mission to the United States.

The best and speediest plan to obtain *tried* seamen, which I believe you will soon want, is to send the vessels back to this or some other port, and let the officer com.[a] announce his arrival with the number of men which, it is expected he will want. When he leaves no notice will be taken. This is the mode advised by those best skilled in this matter. This is the best port for such an enterprise as concealment is more certain amidst such large and busy masses as continually throng this City.

I have heard nothing from Mr. Treat's Mexican agent at New Orleans, and I do assure you I am very skeptical about this whole affair.

A private letter reached here a few days since from the City of Mexico, stating that Genl Santa Anna retires to his farm and that

[a] Commanding.

Genl Bravo takes his place. This is to be relied on. This movement satisfies me that Bustemente *intends*, to invade Texas, and that Santa Anna *intends* to place himself in an attitude to his own people, to take advantage, of the defect and failure of Butemete[a] which he anticipates as certain. I have no doubt that Santa Anna has done all he could to induce Bustemente to invade Texas, looking at this movement, as his only hope for power at home. To get clear of Bustemente is with him to be without a rival at home. I saw yesterday two intelligent gentlemen from Mexico, who said to me, that the only reason, that induced the Central party to call Santa Anna to the Presidency at [b] interim, was the fear that he would declare for the federalist[s], in which event they are of the opinion, that the federalists would have succeeded. They say there is a cat in [the] meal, by his retirement.

These men doubt the ability of Bustemente to organise a competent force to invade Texas, and with the command of the gulf, which you may soon have, without a blockade, they say Bustemente can not annoy us long, and can not sustain his army with either provision or munitions of war. I give you this for what it is worth.

An American brig the Casper Hausser left here yesterday loaded with pow[d]er for Mexico. Several _____[c] vessels are building here, as is believed for Mexico. Mexico has but one schooner left. The French refused to restore the vessels which they captured. Mr Saligny left a few days since in one of those captured vessels for France. He will report favorably and says he has delay'd his report until he could go and _____[c] it in person. France will act immediately on his report and I have [no] doubt England will then follow.

Knowing the catholick prejudices of [the] King of France, I suggested to Genl Henderson, the propriety, to say to the Popes legate of Paris, that the appointment of a Bishop for Texas would, be acceptable to his Govet. Dr Franklin done this while he was minister to France and an appt. was made for the U. States. Mexico has induced all the Catholick countries to believe that the situation in Texas, was caused, alone by hostility to the catholicks. The Pope's appt. will be almost a recognition of Texas by France. It will quiet all prejudices on this point. This is not forbid by the liberal toleration of our institutions, Mr. Saligny was highly pleased with this movement. He is a bigoted catholick. Would it not be advisable to say to Genl Henderson that this would be acceptable to you.

Dr. Breckenridge is doing and has done Texas great good. He is a noble spirit and deserves our gratitude.

I do not like to give any advise or make suggestions which may possibly have an unhappy influence on the affairs or interest of the

[a] Bustamante.
[b] Ad.
[c] One word illegible.

Republic. But if you have any confidence in this Mexican agent, about which Mr Treat has or will inform you, and of his power to settle our difficulties with Mexico, I would not allow our Comrs to sell more than one million of the bonds at ten per cent. They are all filled at ten per cent. If we have peace, or a recognition by France and England we can get as much money as we want at 5 or 6 per cent. I said this much to Genl Hamilton and told him it would not do to give ten per cent after either of these events. He replied that we could not get the loan untill after the recognition by France or England. You know the delicate and critical situation of the country better than I do, and will know how to treat those suggestions.

Genl. Hamilton expects to leave about the first of August. I do not doubt his success. If we have an invasion which is very probably, the money will be indispensible at almost any sacrafise.

I give this to you as a private letter, but you can use it as you choose. My official letters I sent to the State Department. I am much pleased with the arrangement of your present cabinet.

Dr. Moore of Houston was here the other day, and spoke of you and your administration in the most flattering terms.

I saw Mr. Tod a few days since, he is hurrying the completion of our vessels. Nothing shall be left undone within my power to be ready to meet any emergency which the vulgar enemies of Texas may cast upon us.

I hope heaven will preserve and protect you,

I am Yr Fnd and humble sert.

R. G. Dunlap.

P. S. Mr Tod said to me the day that he would like to hear from the navy Dept. relative to his rank. He was promised by Genl Hunt the second rank in the navy. He is truly highly deserving. I have heard several of the officers of the navy here, speak of him in the highest terms of commendation.

R. G. Dunlap.

N. B. The Great Western arrived to day at 2 P. M. Cotton was on the decline stocks falling, interest raise[d] ½ per ct by the bank of England. This all makes the money market there gloomy and creates quite a stir—a panic here in the commercial community.

Dr. Breckenridge is selecting a chaplain for the navy at Genl Hunt's request. You must not disappoint the Dr. If you do not want this let me know it that I may save the Dr's feelings in the rejection. He is our best friend.

R. G. Dunlap.

I saw yesterday three $100 notes of the last issue gross counterfits, but the paper or plate is genuine. These were passd by a black man named Wm., who came here as the servant of Colo Wells. I under-

stand a box of the paper was lost in the Cuba. Some fellows have stolen it and signed it. I tried to catch him but as yet have failed.

This still helps to lessen public confidence in our currency. But such accidents can not perhaps be avoided. Would it not be well to inform the public how this paper got out of the hands of the Govet or its agents.

R. G. DUNLAP.

ROBERTS TO BURNET.[a]

WASHINGTON CITY
August the 2nd 1839.

To the Hon DAVID G BURNET,
Acting Secretary of State.

SIR

In the absence of Genl. Dunlap, I have the honor to inclose to you Copies of a note of the 29th June from Genl Dunlap to Mr Forsyth and the reply of Mr Forsyth thereto on the 19th Ult. It may not be improper to remark that Mr Poinsett[b] is not so full and explicit in his letter to the Secretary of State, (who had refered the subject wholly to him) as he was in a conversation I had with him upon presenting Genl Dunlaps note. He then assured me that if [it] became necessary he would not only restrain the Indians within the limits of the U States by force, but that he would with-hold their pensions and supplies which would entirely incapacitate them from doing us any injury. He further informed me that he was at that time about marking out a tract of country (to which they would speedily be removed) for the Caddoes, and that in the mean time a most vigilant watch would be kept over them.

I embrace this occasion to tender to you assurances of my high consideration and regard.

SAML. A. ROBERTS

DUNLAP TO BURNET.[a]

SARATOGA
Augt 12th. 1839.

SIR

I have the honor to inform you that since Mr Poinsets orders have issued to the officers on the Western frontier, a copy of which has been forwarded to your dept.—that I saw Mr Forsythe here a few

[a] A. L. S.

[b] In his letter to Forsyth, July 18, 1839, which was also enclosed. None of the enclosures mentioned is now on file with the letter. For all three, see Calendar. Dunlap to Forsyth, June 29, 1839, is transcribed in the Records of the Department of State (Texas), Book 41, p. 234.

days since and stated to him, that these orders should go farther, and restrain all the indians within the United States from incursions into the Republic. He replied that Mr Poinsett would be here in a few days and that I might see him and rest assured that this should be done.

I came here to see Mr Forsythe and shall only delay here untill Mr. Poinset's arrival.

Genl Hamilton left on the 1st inst for England and has no doubt of success.

Mr Henderson writes me that the King of France will act upon the recognition as soon as Mr Saligny's report reaches Paris if it be favorable. Mr Saligny is in Paris by this time, and his report will be very favorable. England will then follow, as she considers her Canadian dificulties settled. Genl Henderson wishes new credentials as his old ones are informal and he can not be presented to the King, as they now are after the recognition at [the court of] neither France nor England. He also wishes to return home after this event as his health is bad.

Mr. Pontois the French Minister to this Court, said to Genl Henderson on his return to Paris, that Mr Biddle told him, that as soon as France recognised Texas, that he would let us have as much money as we wanted. I believe that the loan will be obtained.

I hope you will pardon this suggestion. In forming commercial treaties, I would not make any conventional arrangement for the importation of goods into the Republic. I think the right of impost and duties should be left exclusively to the action of our own Govt, untrameled by treaties.

I have the honor to be with the highest consideration

Your Obt Sert

R. G. Dunlap

The Hon David G. Burnett
Acting Secty. of State.

Many to Jones.[a]

Dunlap to Burnet.[b]

New York *Aug 26th 39*

Sir,

It gives me great pleasure to advise you of the condition of the question of recognition with the French government. I received a

[a] August 25, 1839. See Dunlap to Burnet, October 12, 1839.
[b] L. S.

letter this evening from Gen. Henderson of the 28th Ult. stating that the King of France had agreed to acknowledge the Independance of Texas by a Treaty of Commerce etc. He insisted that he should first be received as a Minister, and then as equals to enter upon the Treaty. This was right. He however says that he will agree to the recognition by Treaty if the King makes it a sine qua non. The recognition is certain and openly spoken of at Court.

This event will secure the Loan although the money affairs of England are in a crippled state. England will soon follow, but she will exact the same terms which may be granted to France.

Capt. Todd informs me that one of the Brigs will sail for Galveston on the 5th. of September with the 100 guns which I purchased of Mr. Colt and which arrived too late to have been sent by the last Schooner.

I saw Mr. Poinsett a few days since for the first time. All our Indian relations have been referred to him. I stated to him that his order and letter to me, which have been forwarded to your Department, did not cover the whole ground of my application to this Government. After a full conversation he assured me that no number of Indians, under any pretext should make incursion into Texas, that he had given orders to this effect, and that he would repeat them to the officers on the frontiers to restrain them from crossing the line, and further to inform all those Indians that if they did not desist from their incursions that he would stop their annuity, and place a competent force near the borders to keep them in check.

Mr. Poinset has agreed to recall the Caddos, so soon as he can obtain a place for them. I insisted that he should recall all those who had entered our Territory after the Treaty of 1831. He said we would talk this over in the fall at Washington, and suggested many difficulties etc, but concluded by saying that I might assure the President that the Treaty touching the Indians should be executed in good faith. I repeat, none but the kindest feelings exist with this Government for the welfare of Texas.

The other Brig and the Ship will not be ready before the first of Nov. as things now appear.

Capt. Todd is one of the most business and trust worthy gentlemen, to whom the National honor, and public money can be confided. He expects the second command in the Navy, and I am su[r]e in such an event, that the chief labor and detail, essential to the establishment of a naval character will devolve on him. In saying this which is nothing less than truth and justice, I do not intend to disparage Capt. Moore's well earned, and well established claims to the rank which has been given him by the President. Moore is a sailor, a man of science, and of undaunted gallantry. He was one of the finest officers of his grade in the U. States Navy, still he is not the

man for labor and detail, so important to the successful completion of all useful systems. Mr. Todd combines this quality in an eminent degree, with a useful and practical knowledge of his profession. He and Capt. Moore can organise the Navy, and give it usefulness, and build its character upon a proper basis.

It is from my knowledge of the character of men which best suits the President's taste, that I am induced to give this voluntary testimony of the worth and claims of these two gentlemen, and I trust that my motives may not be misunderstood, let my opinion pass as it may.

I have conversed with Col. Joseph M. White this morning relative to the mission to France. He is willing to accept, but thinks he should visit the Country first and take the oath of allegiance etc. His competency is beyond controversy.

I have the utmost confidence in the purity of purpose which actuates Gen. Henderson, as well as his ability for his present station; But, I shall regret deeply the necessity to which he may yield to place the recognition upon any commercial advantage to France. Should he however be driven to this alternative, the building up the National character, on a faith that should never be violated, will no doubt, justify the Govt. in sustaining the Treaty.

I have had it announced in one of the City papers that France had agreed to recognise Texas, and that the official notice of the fact may be looked for with certainty in a short time. This will have a tendency to advance our money and strengthen public confidence in the united States relative to the prospects and fixed destiny of the New Republic.

The public journals in the U. States have during this whole season and are still, sustaining Texas and her present administration with an ardor and intelligence worthy of the age, as well as of its enlightened advocates of public liberty. All that Texas wants is union and harmony at home. With this, time and circumstances will keep her onward march, to the fulfillment of all her happy promises to herself as well as to mankind.

I am induced to believe that Bustamente's return to Mexico, is favorable to Texas. It is however difficult to form any correct opinion upon the changing incidents of such a people as the Mexicans are.

Should the negociation for peace be agreed on by that Govt. and it be transferred to Washington, I shall be happy to learn from the Govt. whether I may extend the limits to the Pacific, and if so upon what terms. The only objection (and it is one of potent influence) against emigration, is the Indian wars, and the consequent insecurity to persons and property. The only answer to this is to have a com-

petent, well armed and well appointed force in the field. In time of War be prepared for battle. This is a sure messenger of peace, and is all that Texas wants to constitute her truly the *happy land.*

I have the honor to be with the highest consideration and respect your obet and Humble sert.

R. G. DUNLAP.

The Hon.
DAVID G. BURNETT,
Acting Secty of State.

DUNLAP TO MARTÍNEZ.[a]

MARTÍNEZ TO DUNLAP.[b]

DUNLAP TO MARTÍNEZ.[b]

DUNLAP TO BURNET.[c]

WASHINGTON [CITY,] *Octr 12th 1839*

SIR

I have the honor to transmit to you, a copy of a correspondence between myself and the Mexican Minister resident at this court.

I had some difficulty in obtaining a personal interview with Mr. Martiniz. Through the kindness of the Belgian Charge Mr. Serruys I succeeded. I pledged myself that the world should not have this, untill results should justify the exposure. So I give it *in strict confidence.*

You will discover from my letters that I gave them a caste,[d] to protect the Mexican Minister against the vanity and Jealousy of his own Govet.

I have had three interviews with Mr Martiniz at his own house, and one in my room, our correspondence was delivered by each other. This day Mr Martiniz handed me his dispaches touching the whole matter for me to send to Mexico, and he sends a duplicate. He read

[a] October 8, 1839. See Dunlap to Burnet, October 12, 1839.
[b] October 9, 1839. See Dunlap to Burnet, October 12, 1839.
[c] A. L. S.
[d] Cast.

me his letter to his Govet. He has taken a liberal and sensible stand on the propositions of my letter, and is most decidedly for peace.

He told me what he had written his Government last spring, of which I have advised the President. All this was *confidential*, as it resulted from what passed from me through Mr Forsythe, connected with the action of this Govnt. His Govet thanked him for his information and opinions, and said they would be duly considered.

Since this Mr M. received a private letter which he showed me in confidence touching the question of pacification. The reason that the writer assigns for the delay of the Govet is that, the President and Cabinet are fearfull that their enemies might effect them with the people. He says that he has no doubt but that Bustemente will agree to the truce for two or three years, and in the mean time all fears and prejudices will disappear, and a treaty of limits etc will soon follow.

The question of extending our boundary to the Pacific, he thinks will be objected to by other powers. They will see he says that the trade to China will be claimed from this Govet, and be brough[t] through Texas. I do not believe other powers will care about this. I should not have mentioned this extension of our line, had I not here seen the instructions to Mr Treat, as it is not mentioned in my instructions.

Mr Martiniz informed me that Santa Anna did last summer, design the invasion of Texas—and that when he asked Congress for a suitable appropriation, that the proposition was laid on the table by Bustemente['s] friends, and that there it yet sleeps.

The fact which I stated that our Govet had declined to unite in the civil wars of Mexico, would have great influence with the Govet and the people, and more he thinks than any other consideration.

The Mexican Congress is now in session revising their constitution. The regular session commences in next December. Mr M. believes that my letters and his will all be submited to Congress, as he says this is the first proposition coming directly from Texas for peace.

Mr Martiniz is well acquainted with the character of the President and his cabinet, and of the character of population migrating to the Republic, all of which he has advised his Govet. He also is well informed of the feeling for Texas in the United States, and he admited to me that the invasion of Texas, would terminate in the overthrow and ruin of Mexico.

Mr M. is a sensible and a just man, and what he has done in this matter, was under the dictation of duty and patriotism.

I have the honor also to inclose a copy of a letter from Colo. Many inclosed to him by Mr. Forsythe shewing the condition of the indians on our borders. You see by this that no attempt has been made by the indians, to unite with those in Texas. This at all events is the

evedence upon which this Govert will act, unless as I have previously written to the Govert, counteracting evidence shall be produced. But I hope this question is at rest. The Caddos will be recalled. The difficulty of deciding when and what particular indians emigrated to Texas, makes it a perplexing question to ask this Govet to recall any, unless the application be attended with the number and description of the indians desired to be expeled. I suggest this, that you may consider what is best for me to do, of which I shall be happy to be informed.

I have given you, rather a tedious detail, that you may see the whole ground, and the prospect of a settlement of our difficulties, without the wasting of either blood or treasure.

If the Govet will only patiently persue the policy, adopted by the President, in relation to our Mexican difficulties, we will have peace, sooner and on better terms than it has ever fallen to the happy fortune of any other country. Kindness and liberality towards the Mexican traders and people, will do much for us,—give the country all it wants from Mexico. But it will take time, as it always does, to produce great results. Texas is advancing in public opinion in Europe and America. If she is just to herself she has every thing to hope and nothing to fear.

I also enclose a copy of a letter from the President of the United States bank, which shews the only terms by which money could be obtained for Mr Treat.[a] I would not have agreed to allow this money to remain in bank, but after reading the instructions to Mr. Treat I felt sure, that the President and Cabinet deemed this an important mission. The delay, that the waiting for the permission of the President would occasion, was too great if any thing valuable was to result from the mission, of which I entertain the most sanguine hopes. I hope if my conduct be objected to in this matter, that you will be mild in your rebuke, and do justice to my motive.

I trust you will pardon me while I call your attention to a post or mail arrangement between the United States and the Republic of Texas, which I made with the Post Master General here and transmited to your department in May. This only wanted the acceptance and ratification of the Post Master General of Texas.

Aside from the general convenience which would result to the citizens of both countries from this arrangement, my own convenience would be greatly consulted.

I now have to pay the postage upon all communications which I make or receive to and from the Govet. of Texas. This arrangement is nothing more than extending the mail system of the United States into Texas.

[a] This copy has not been found.

The Liverpool brings the news that France has acknowledged the independence of Texas. Genl Hamilton has returned with the prospect of getting the loan by December.

Its thought that England may not act upon the recognition, untill she sees what is to be the fate, of her tendered mediation to Mexico. This is all that will delay her action.

The Ballance of the Powers of Europe will follow England. Belgium and Russia would now act if we had agents there, or some Comrs with powers to act with all the European Goverts.

Genl Henderson will not return untill he ascertain[s] what Great Britain intends to do.

Our ship has been launch[ed] and will sail next month, for the Republic. The last brig will be out about the first of Decr. as you advised.

Colo Dangerfield writes me that he is proceeding well with his contracts for the war Dept.

I have had the honor to receive a letter from the war and navy Depts., of the acceptance by the Govt, of the 100 Colt rifles, which I sent out, of the contents of which, I will advise the contracters. If I had not believed that the country was about to be invaded I would not have taken any portion of those arms without the ratification of the Government. I could not have made the contract as I did if I had not have taken what I did. But as my motives have been duly appreciated, by receiving no rebuke from my Govert, I shall in future confine myself to my instructions.

I avail myself of this occasion, to offer to you my high regard and consideration.

R. G. Dunlap

Hon D G Burnet
Acting Secretary of State.

(Copy.)

Washington [City,] *Oct 8th 1839*

Sir

You have been informed some months since that I am invested with power from my Govt. to terminate by Treaty the present relations which unhappily exist between Mexico and Texas.

This power was confered upon me with the expectation, that should the disturbed condition of Your Country forbid Your Govt to receive and treat with Col Bee that they would transfer the negotiation to this place with authority to you or some other agent to submit the case to the mediation of some friendly power. The President of Texas made the overture for peace by sending a mission to

your Government which amidst a civil way [a] they declined. In this he was guided by that wisdom which the happiness and well being of every civilized nation dictates. Peace is the natural condition of men and nations, and in the utmost frankness I assure you that the President will leave undone nothing but that which national honor shall forbid, to obtain it.

Tranquility has been restored to your Government. The agitation of Revolution no longer disturb[s] her councils. Is not this a propitious time for your Government to decide whether she will accept the overture for peace and no longer keep suspended and crippled the energy and resources of the two Governments. I am further authorized to agree to a truce, a total suspension of all hostilities for two or three years by each Government giving the guarantee of some friendly power that there shall be no violation of the terms of the truce, and that six months notice shall be given by either nation before the recommencement of hostilities.

If your Govt. will agree to establish the dividing line between the two Govts so as to run in some suitable manner to the Pacific, the Republic of Texas will give an equivalent in money. Whatever shall be just and right will be given by my Govt. whenever the extent of the boundary shall be designated by the Contracting parties. Texas has no national animosities to gratify against Mexico. She has no ambition to waste her blood and treasure in the field of conquest. She has declined the earnest importunities of your own Countrymen to become a party to your civil wars. She was driven reluctantly into the late revolution by a devotion to her rights, and she will never yield that which was so dearly and so nobly won in the contest.

The power and destiny of revolution has marked our seperation from Mexico. The tendency of the principals of this enlightened age has demonstrated in the history of Mexican Independence as well as by other memorable examples that a revolution guided by a love of liberty never retrogrades—onward and onward is its advancement. The present apparent attitude of the situation and condition of Texas and Mexico forcibly presents the question whether peace or war be most conducive to the honor, happiness and prosperity of either nation. More than one Government has offered to interpose her counsel and influence for the settlement of the present difficulties between Mexico and Texas. This manifestly indicates that peace is, in the opinion of those Govts. the only happy and legitimate state for any civilized nation.

Pardon me while I invite you to look at the two revolutions of the American and Mexican Colonies and of the wisdom and magnanimity displayed by the mother country in one case, and the total want of both in the other, with the consequences upon each of the new Govts.

[a] War.

So soon as the fate of arms decided for the Independence of the United States, Great Britain mindful of her interests and her duty formed a treaty of alliance, peace and commerce with her rebel colonies the fruits of which have been richly and benificently felt by both nations. The effect of this wise liberality on the part of Great Britain, has been so to blend and advance the prosperity of both nations, that one could not now scarcely exist in a state of commercial prosperity without the other.

Of the fatal effect of the tardy and illjudged course of Spain towards her revolted colonies who had so gallantly won their Independence, none can be better informed than both you and your Govermet. Mexico and Texas are neighbors, and that system of policy which will have the happiest tendency to facilitate each others prosperity is certainly well marked out to the rulers of each Goverment. If your Goverment shall drive Texas from all hopes of a peace she will use the means within her controul for the final and permanent security of herself. This, I pray you to believe, is not said in the spirit of a threat. It has often and urgently been pressed on the President of Texas, that the surest and speediest way to obtain peace was to make war upon Mexico—this will be his last alternative. I ardently trust that the necessity for such a result may never occur, and that the time is not distant when Mexico and Texas shall live side by side in the bonds of that harmony and good will which is dictated by the interests of the two nations. If you will forward this to your Goverment and say to me that you entertain hopes that your Goverment will either make peace upon a permanent and just basis or agree to a truce as proposed, I will write my Goverment which will restrain them from making any offensive movement either by sea or by land against Mexico, until a sufficient time shall have elapsed for the action of your Government.

The Minister of Texas embraces this opportunity to tender to the Minister of Mexico his personal regards and distinguished consideration.

R. G. Dunlap.

Hon F Pizarro Martinez
etc etc etc

Translation of Mr Martinez Letter to R G Dunlap[a].

(Secret and entirely confidential)

Georgetown D. C. *Octr 9th 1839.*

Dear Sir.

I have received your letter of yesterday addressed to me. Not being empowered by my official attributes to enter into any argument on

[a] See Records of the Department of State (Texas), Book 41, p. 390.

the very important points to which you refer therein, I shall be constrained to limit myself solely in the present case to the communication of its contents to my Government, whose decission on the subject will be communicated at your convenience.

I have the honor to assure you of my high consideration and to subscribe myself your very obedient and assured Servant, who kisses your hands

FARRO PIZARRO MARTINEZ

Senior Dn. R. G. DUNLAP,
Washington [City.]

(Copy.)

WASHINGTON [CITY,] *Oct 9th 1839*

SIR

I have the honor to acknowledge the receipt of your note of this date in reply to my communication of yesterday.

I do not object to your manner of addressing me as a mere private individual. Your Goverment has not recognized the Republic of Texas and consequently you cannot as her representative. My object in writing to you was that your Goverment might be advised of the spirit and feelings with which the President of Texas was actuated in making his overtures for peace, and I believed you would feel it your duty to place the propositions submitted in my letter before your Goverment

This mode since Col Bee's rejection was believed by me to be the most certain one to give your Goverment the wishes of the President and Cabinet which would enable your President and his Cabinet to meet the questions for peace fairly and understandingly.

I am truly happy to learn that although you have no authority to entertain the question of the final settlement of our difficulties, that you have consented to submit the matter for the consideration and decision of your Goverment

The minister of Texas tenders to the Minister of Mexico his high regard and distinguished consideration.

R. G. DUNLAP

To

F PIZARRO MARTINEZ

etc etc

[Next follows Many to Jones, August 25, 1839.[a]]

[a] See Calendar.

Deposition and Petition of Joseph Shepard.[a]

Republick of Texas

County of Matagorda

Personally appeared before me Silas Dinsmore Chief Justice in and for the County of Matagorda and said Republick Captain Joseph Shepard who being duly sworn states that the schooner Robert Center whereof he is Master is detained by the sheriff of said County under a pretended process and has been dismantled of her sails and now lying in the bay of Matagorda and in great danger of being lost in case of storms That the said vessel is detained for pretended offences arriseing on the high seas and beyond the limits of the Republick of Texas That although this affiant does not admit that any cause of action or offence has been commited yet if any it is a case of Maratime and admiralty Jurisdiction as he has been informed and that he wishes an admiralty court appointed to try the same according to the Maratime Law and Laws of Nations and therefore wishes a court appointed by the President his Excellency Mirabeau B. Lamar according to an act of Congress approved the 7 June 1837 entitled an act to prescribe the mode of holding Courts of Admiralty to try the said schooner or adjudicate the charges against her

Joseph Shepard

Sworn to and subscribed before me 4th Nov. 1839

Silas Dinsmore

Chief Justice

In testimony of the foregoing I have hereunto set my hand and affixed the seal of the court the 4th day of Nov. 1839

Silas Dinsmore

Chief Justice

To his Excellency Mirabeau B Lamar President of the Republic of Texas the undersigned Master of the Schooner Robert Center would respectfully represent to your Excellency that he is a stranger in this Country and from what he has heard from many persons of Judge James W. Robinson he does not wish him to sit in judgement on his said Schooner but has no objection to any other Judge in the Republic

Respectfully

Joseph Shepard

Master of Sch

Robert Center

[a] D. S. The certificate of Dinsmore and the appended statements of Shepard are both autograph documents signed.

La Branche to Burnet.[a]

City of Austin, *November 28th, 1839.*

The Undersigned, Chargé D' affaires of the United States, in compliance with the orders of his Government, is again under the necessity of representing to his Excellency the President, through the Honorable Secretary of State, that another violation of the territory of the United States has been committed by a military officer of Texas.

From the papers in possession of the Undersigned, it appears that, on the 3rd of August last, a captain in the Texian Army, with six or eight men under his command, arrested and carried away with him three or four men, who, he alleged, were deserters. The impropriety of such proceedings is so manifest that the Undersigned contents himself with merely laying the matter before this government, persuaded, from the just disposition always evinced by the President, that he will cause steps to be taken to ascertain the correctness of these statements, and if, upon investigation, they are corroborated, it is expected by the Government of the United States that the officer shall be made duly sensible of his error.

The inhabitants of Shreveport and its vicinity are kept in constant excitement by these continual incursions made under various pleas and pretences. They are incessantly renewing their complaints, and unless suitable measures be adopted to preclude the possibility of these violations of the territory, the consequences may be such as wisdom might have cause to regret—the alienation of friendly regards between the people upon each side of the boundary, animosities and bitter feelings, which may finally cause much trouble and misfortune. The Undersigned is confident, however, in the sentiments that animate the President, and flatters himself that this renewed appeal will have the effect desired, and that, by the execution of prompt and efficacious orders, the harmony and good understanding, which it has always been the desire of the Government of the Undersigned to maintain, will continue to subsist unimpaired.

The Undersigned has the honor of renewing to the Honorable David G. Burnett, Acting Secretary of State, assurances of his distinguished consideration and respect.

Alcée La Branche.

Honorable David G. Burnett
Acting Secretary of State of the
Republic of Texas
City of Austin

[a] L. S.

La Branche to Burnet.[a]

City of Austin *2d December 1839.*

Sir,

Your note of the 29th ulto. in reply to my representation of the 28th was handed to me this morning. I shall lose no time in laying it before my government.

With great consideration and respect, I remain, Sir,

Your Obt Servt.

Alcée La Branche

Hon. D. G. Burnet
Acting Secretary of State
Austin.

Shepard to La Branche.[b]

Henderson to Burnet.[a]

Philadelphia
December[c] *1839.*

To His Excellency
D. G. Burnet *Acting Secy of State*

Sir

I[t] becomes my duty to inform you of the treatment which I met with upon my arrival in the City of New York at the hands of Messrs Hollbrook & Co and Messrs [d] Kissam & Co. of that City who caused me to be arrested for a debt which they alledged I stand security for to them although they knew that I was the Minister of Texas and on my way home. The first intimation I had of their claimes against me was from the sheriff who came to my apartments and arrested me with as little ceremony as he would have arrested a common fellon although I exhibited to him my commissions as Minister of Texas to France and England and protested against the arrest as an insult to Texas and a violation of her Ambasadorial rights. I refused to give security for my appearance at Court and moved by my counsel to have the proceedings quashed and myself discharged from arrest. The court after a full argument unani-

[a] A. L. S.
[b] December 6, 1839. See La Branche to Burnet, December 19, 1839.
[c] The date endorsed on the back of the original is December 9.
[d] In the original the initials " T. T." are penciled in before the name.

mously decided that my arrest was illegal and insulting to Texas and ordered my discharge. I was kept under arrest for nearly a week. The Plaintiffs used every effort to harrass and insult me by delaying the final decision of the Court by reporting that I had clandestinely left the City and gone to Baltimore although I was under arrest and on my parrole, by causing the abolition papers of the City to abuse and insult me and Texas because I claimed for her the privilege which every sovereign Nation is entitled to. The plaintiffs proceeded with their eyes open as the sheriff told me when I exhibited to him my commissions that they had informed him who I was. I was not aware that any man in New York had a claim against me until the sheriff arrested me and I now assure you that I am not aware that the claim is just as I have not the slightest recollection of becoming security for any debt to them. If I ever did so it was in N Orleans and I knew not where the payees lived nor their names. (I have not even been favoured with the sight of the notes on which they sue) but these are irrelevant things as the insult and injury to Texas would have been the same if the debt had have been my own. In that case I would have paid the debt but first resisted the arrest and after my release insisted that the offenders should be prosecuted by the U. S. Government I was very much annoyed and delayed by the conduct of the Plaintiffs. I have communicated the facts to the Resident Minister of Texas at Washington and requested him to lay the matter before the Government and insist on its directing its District Atto. to prosecute the Plaintiffs in both cases as well as the sheriffs for that violation of the rights of Texas and insult to her honour. They cannot refuse to make the order—indeed should the insult be permitted to pass by the dignity of Texas will fall below—far below the common standard of Nations

I therefore submit to you most Excellent Sir, whether or not you will by the direction of the President add to the demand of Your Representative at Washington the strength of the Executive authority of Texas. If it is not done Texas will [be] subject in future and will in reality deserve to have her Ministers abroad harrassed and insulted on all occasions. I herewith forward to you a copy of the opinion of the Court which dismissed the proceedings.[a] I hope to be in Texas before the 1st of January next.

I have the honour to remain your most
Obedient and very humble servt

J Pinckney Henderson

[a] The copy of the opinion is not on file with the letter.

La Branche to Burnet.[a]

City of Austin
Decr. 10th 1839.

Hon David G. Burnet,
Actg Secy. of State

Your note of the 7th. Inst. in relation to the claim of Messrs. Campbell and Dean which I had the honor of submitting to your Government in June last, is before me. I regret, as the matter is to be again deferred in order to enable you to obtain further information, that your communication should not have been so worded, as to prevent the necessity of any discussion at a period so importune, when as you give me to understand, you are seeking to obtain such testimony as will authorize this Government to pronounce properly and equitably upon the justice of the demand. I should have considered it more accordant with a fair determination of the subject to postpone comments, which appear intended to prejudge the question, until the evidence could be adduced to show their applicability, and to abstain from observations which have as yet, nothing to sustain them. I would willingly therefore, have avoided any controversy which I regard at this time, as totally uncalled for and unnecessary, and have communicated your response to my Government without a single remark, waiting as you suggest, for further information, had you not taken occasion to avail yourself of an error, into which you have fallen, to make declarations and insinuations, which require at once, that I should meet and repel them. The mistake to which I refer is the blending of the two distinct demands, the one for the price of the bacon actually seized by the Texian officer, and the other for the price of that portion, that was rendered unsaleable by said seizure, and which constitutes the demand for damages. I am gratified to see that this Government acknowledges the claim for the bacon seized, and is willing to pay for the same. More information than you now possess, will exhibit to you whether the price asked by the claimants is so exhorbitant as you alledge. "To render justice," as you are pleased to inform me, "is a common duty." This is a well known and praiseworthy maxim, and no one more readily subscribe to it than myself. But this same justice to which an appeal is made, should have induced you to have ascertained whether Messrs. Campbell and Dean demand $2 per pound for the bacon pressed, when the very account of those gentlemen, with which I believe, I furnished you, states that they ask $2,500 for the 5000 pounds taken, which is at the rate of fifty cents per pound. How then can it be said, they exact $2 per pound for the bacon seized? the claim for damages is for the balance of the article which according to their statement, was ren-

[a] See Records of the Department of State (Texas), Book 41, p. 254.

dered unsaleable, and of course a total loss to them. Say 20,193 L. at 37½ cents, making $7,572.37½ cents. And if it appear, upon investigation, that they were actually damaged to that amount by the selection from their assortment, and have sustained the loss they alledge, surely the same equitable principle that induces the Government to pay them for the quantity actually taken, and consumed by the Texian Army will suggest the propriety of indemnifying them for the loss, which followed the forcible destitution of their property, and which, as they declare, resulted to them in a loss to the amount which they claim. By recurring to their account, you will find that 50 cents per pound are asked for the 5000 pounds seized and taken, and 37½ cts per pound for the ballance, which they in consequence, were unable to sell, amounting in all to $10.072:37½ cents. I cannot account how you could have been led to the erroneous opinion you advance that the $10,072:37½ which is the aggregate amount [which] is demanded for the 5000 pounds of bacon, unless you were disposed to place the claim in an unfavorable view, by drawing the conclusion you do, that the extraordinary and unheard of price of $2 per pound is asked for by the claimants It would seem that this mode of representing the demand is with a disposition of prejudicing it, and for the purpose of casting an imputation quite gratuitously either upon the Government of the United States by which the claim is presented, or upon Messrs Campbell and Dean. The Government of the United States is above all sinister insinuations. Its well established honor and principle, its upright, fair and candid dealings with foreign nations, and the estimation and character it sustains is a guarantee that it never will urge what, upon enquiry, is found to be unjust, nor will it ever seek to procure "a reward for iniquity by preferring any claims of its citizens that would warrant the employment of such a term of designation. I flatter myself however, that the expression was not intended in the most remote manner to refer to the Government I have the honor to represent. It was possibly meant exclusively for Messrs. Campbell and Dean; but the same justice whose principles, you have consecrated in a moral axiom, suggests that such charges, should not be made against those persons, heedlessly, without some more reasonable cause than appears to exist, or at least until you receive the information which you require time to obtain. I shall forward your note and accompanying letters to my Government, and await further evidence which may be necessary to a proper investigation of the subject.

With assurances of perfect esteem and regard, I have the honor to be, Sir, your obdient Servant

ALCÉE LA BRANCHE.

La Branche to Burnet.[a]

City of Austin *Decr 17th 1839.*

Hon. David G. Burnet

Sir

I have the honor to acknowledge the receipt of your note of yesterday. The remarks you have thought it proper to make confirm me in the opinion I entertained that a discussion of the matter is, at present, unnecessary and inopportune. You again declare that your Government is without the necessary proof to authorize a decission of the question, yet you gravely pronounce upon the merits of the demand. A controversy under such circumstances, can have no beneficial result, for it is impossible to elucidate the truth and arrive at a correct understanding of the case without being in possession of all the facts that should determine a just and equitable decision. Harsh expressions prove nothing, and only have a tendency to create irritating discussions which ought always to be avoided. I must therefore again reiterate the conviction that the testimony should first be obtained, and decline entering into an argument based upon the assumption of premises that are merely conjectural. With reference to the position you again attempt to maintain, that the claim for the property taken, and that for damages are one and identical, I have to repeat that this is an unfair mode of viewing the subject, that it is untenable and cannot be admitted, you yourself give Messrs Campbell and Dean credit for "sufficient adroitness to present their demand in two distinct forms," which concedes the point, and exhibits that you are well aware of the distinction when it answers your purpose to make it. It would be useless to dwell any longer upon this; for it is too apparent to admit of discussion. I feel satisfied with the disclaimer you make, that it was not your intention to cast any imputation upon the Government of the United States. It was with great reluctance the impression forced itself upon me that your language favored such a construction, but since you disclaim it, I feel assured your expressions were not intended to convey any improper meaning. I am perfectly sensible that "presentation" and "justification" are not convertible or synonimous terms: not more so than assertion and fact. Indeed, nothing I have said justified such misconstruction it would seem however, that although you are aware of the distinction, you have yourself, confounded these expressions, for you appear anxious to disçuss the merits of the claim which I have thought it more proper, as you acknowledge yourself to be without testimony, to postpone until the evidence can be procured. I see no cause, therefore, for the regret you express. As yet the justice of the demand has not been impugned by any testimony, unless I am to

[a] See Records of the Department of State (Texas), Book 41, p. 255.

take sweeping assertions and epithets as substitutes for proof. When the facts proper to a just determination shall be before us, it will be time enough to pronounce upon the equity of the case, until then it is impossible to form a satisfactory conclusion and it is waste of time to discuss upon words.

I regret, as deeply as yourself, the necessity for any explanatory discussion, and you will do me the justice to admit, that it was not my fault such discussions were not entirely avoided. It is painful for me to be compelled to call for explanations, and refute unfounded charges, for there certainly is nothing to sanction remarks that bear a prejudicial signification, nor still less charges that truth as well as propriety condem.

In conclusion, I will observe, that as to the letters of which you speak, you acknowledge they are insufficient by themselves. But as you have introduced them as adverse to the statements of Messrs. Campbell and Dean, whose veracity you appear to doubt, I have to inform you, I have in my possession a letter from the Honorable Mr Yell, member of the Congress of the United States from Arkansas testifying them "to be reputable" and that there is no doubt about the truth of their statement as set forth.

I have the honor to be with distinguished consideration,

Your obedient Servant

ALCÉE LA BRANCHE

LA BRANCHE TO BURNET.[a]

CITY OF AUSTIN, *December 19th. 1839*

SIR,

I have the honor to lay before you a copy of a letter from J. Shepard, Master of the Schooner Robert Center, which will explain the nature of his complaint, and the injury he is sustaining by the delay in holding the Court.

I pray you to submit the matter to his Excellency the President, and respectfully solicit him to take such measures as, in his wisdom, he may think proper.

With renewed assurances of my high consideration,

I am, Sir,

Your Obedient Servant

ALCÉE LA BRANCHE.

Hon. DAVID G. BURNET
Acting Secretary of State
Austin.

[a] A. L. S.

To Honble. Alcée La Branche, Charge d' affaires, Austin, Texas.

MATAGORDA, *Decr. 6th 1839.*

DEAR SIR:

I would respectfully represent to your honor that I am a citizen of New Orleans, Master and principal owner of the schooner Robert Center of New Orleans. While in New York in the month of August last I chartered sd. schooner to the Firm of Ely & Co of N. York to bring a cargo to this port, and consigned here to the order of sd. Ely & Co of New York. I sailed from New York on the 31st of August, and arrived on the 28th of Septr. After laying here 9 days, one William J Maynard of this place demanded the goods as Agent for Wm. P. Scott and John E. L. Solomon, two young men who came passengers in the schr, and commenced business here under the firm of Scott & Solomon, said Scott, a citizen of New York, and Solomon, a creole of the Island of New Providence. The bills of lading were produced, indorsed and reindorsed; the freight paid and the goods delivered to sd Maynard all in good order, according to the tenor of the charter party. And as I was about to depart, the said Wm. J. Maynard instituted a suit against the schooner for $1100.00 damages and attached her, the sheriff sent on board a gang of armed men and stripped the sails from her and took them on shore, and gave them into the possession of the said Wm. J. Maynard, who put them into one of his vacant buildings; one of them was immediately missing and the others, I presume, are ruined ere this. They were a splendid new suit of sails, a ship-keeper was put on board by the sheriff with orders to drive me out of the vessel, and give the crew liberty to go where they pleased and to make use of the vessel's provisions which I protested against to no purpose. I have succeeded to remain on board and keep the crew by boarding the ship-keeper, but am at his mercy and liable to be drove on shore at any moment. I am frequently insulted and have undergone much anxiety for my personal safety. The vessel was attached on the 14th of October, and I have been laying in the above situation ever since. I retained a lawyer at great expense and expected to have had the case adjudicated at the Novr. Term of the District Court, but, having no court, I immediately requested the President, through my counsel, and our consul also, to appoint a court of admiralty to adjudicate the case. But have had no answer to the communication. I therefore presume that the President does not notice it, and that I must be ruined for want of justice. I would further remark, the parties are not responsible men and that they procured the attachment by giving as security the names of two individuals, keepers of a drinking house of doubtful responsibility, in the sum of $2200.00 and the common

oath required by the laws of the Republic for the attachment of property in common cases was not required of them, and as the opposite party expects to make a jury case of it, and from what I see of the people here, I fear that if a court should be appointed, I am not sure of justice. The suit is grounded solely on the fact that on my passage I anchored about 8 hours at Key West, and 38 hours at the Western Grand Pass of Vermillion Bay,—in the first instance I anchored in the Night and was obliged to do so in order to wait for day light to proceed with safety: in the latter case I made a harbor for the safety and good of all concerned, it being on the 22d of September, and, from the appearance of the weather, a hurricane was expected. I arrived here in safety and delivered the goods in perfect order, no complaint on that score. I bro't the cargo for the sum of $1200.00. They pretend that they wrote to some body in New Orleans to affect insurance on the goods and that probably $600.00 premiums was paid, and that by anchoring I vitiated their policy and that by anchoring I lengthened the passage which was to them a damage of $500.00 but there has been no damage at all. And the object of the suit is to extort money from me by way of compromise. Under the circumstances I cannot conceive what the Courts of this Republic have to do with the case and why I should be ruined for want of a court. To conclude I pray for your official interference in the business, and that you will immediately write me instructions how to proceed as I shall soon be obliged to abandon the vessel at any rate. She is a copper-fastened, and coppered vessel of the value of $8000.

Yours with due respect,

JOSEPH SHEPHARD[a]
Master Schr. Robt. Center.

N. B. The delay complained of happened on the high seas or out of the jurisdiction of Texas,—and I shall claim a trial by the Maritime Laws and the Laws of Nations and shall protest against being tried by the Local laws of this country.

The above I have written by advise of my counsel.

DEPOSITION OF HUNTER.[b]

BURNET TO DUNLAP.[c]

[a] Shepard. See his autograph signed to his depositions and petition. November 4, 1839.
[b] December 30, 1839. See Dunlap to Burnet, January 27, 1840.
[c] January 10, 1840. See Waples to Bee, September 30, 1840. In a duplicate copy on file of the last with its transcribed letters and extracts, the date of Burnett to Dunlap is given as January 14.

Dunlap to Burnet.[a]

Texan Legation
Washington
Jany 12th. 1840.

Sir

I have the honor to acknowledge the receipt of your letter on last evening, dated the 2nd. ult. advising me that the Senate had refused to confirm my nomination as Minister to this Government. You also advise me that the President desires me to remain in the discharge of my duties, untill my successor shall arrive, to which you may assure the President I will yield a cheerfull obedience.

The kind appreciation which you have been pleased to bestow upon my services to the Republic, is received with that sensibility and gratitude, which I trust becomes the representative of a youthfull nation, destined at no distant day, to obtain a high and usefull rank in the political world. To obtain the approbation of my Government, and my country, touching any thing which I may have done, growing out of the duties of my present station, was the great object of my ambition. This was the only reward that I hoped for, and the only one that I valued, for my time and for my servises.

The Congress of the United States have a proposition before it, for the establishment of a territorial Govt at the mouth of the Columbia. Its also understood that this Govt is attempting to purchase upper Callifornia from Mexico, as she has no good port on the Pacific. The port of St Francisco is said to be the best on the Pacific. This is a most important matter for the consideration of the Govt of Texas. If this port shall pass into the possession of the United States, it will be forever out of the reach of Texas, and will certainly circumscribe her growing power, and cripple her means for future advancement. Should Mexico, conclude her present [b] with Texas at this place, by a treaty of cession, amity etc you are aware that the Minister to this Govt, has no instructions to alter the present boundary, as recognised by our laws, between Texas and Mexico.

I avail myself of this occasion to offer you my highest consideration and regard.

R. G. Dunlap.

To The Hon
David G. Burnett
Actg Scty of State.

Forsyth to Dunlap.[c]

[a] A. L. S.
[b] One word illegible.
[c] January 15, 1840. See Dunlap to Burnet, January 27, 1840.

DUNLAP TO FORSYTH.[a]

DUNLAP TO BURNET.[b]

TEXAN LEGATION
Washington Jany 27th 1840.

SIR

I have the honor to enclose to you a copy of a correspondance between the Secretary of State of the United States and myself, relative to certain legal proceedings had in New York against Comodore Moore with a copy of those proceedings as enclosed to me.

I also send you a copy of a letter of Comodore Moore to me, written just before he sailed for Texas, disclaiming the conduct charged against him.[c]

I have the honor to be most
Respectfully Yr Obt. and humble svt.
R. G. DUNLAP.

Hon
DAVID G. BURNET
Acting Secretary of State.

(Copy.[d])

UNITED STATES OF AMERICA
Southern District of New York.

Charles. S. Hunter Lieutenant in the navy of the U. States at present employed on board the United States Ship of War North Carolina lying at the Navy Yards at Brooklyn being duly sworn deposes and says that from information communicated to Commodore Renshaw the Commandant of the aforesaid Navy Yard, and which has come to the knowledge of this deponent, and which he believes to be well founded, there is reason to suspect and believe that Edwin W Moore Commander of a Texian Brig of war called the "Colorado" which Brig is now lying in the harbour of New York, has for some time past been engaged in hiring and retaining within the Territory and jurisdiction of the United States, citizens of the United States, and other persons to enlist themselves in the service of the Republic of Texas as mariners or seamen on board the said Brig of war, the Colorado; and that for this purpose a rendezvous has for some time

[a] January 16, 1840. See Dunlap to Burnet, January 27, 1840.

[b] L. S.

[c] From the voluminous mass of correspondence enclosed by Dunlap have been selected for printing here only the deposition of Hunter, December 30, 1839; Forsyth to Dunlap, January 15, 1840; and Dunlap's reply, January 16.

[d] See Records of the Department of State (Texas), Book 41, p. 262.

past been maintained in the City of New York, at which several individuals have recently been enlisted for the purpose aforesaid, who have actually gone on board the said Brig of War. This deponent further says, that from the information aforesaid there is reason to suspect and believe that R. Benson, J. W. Benson, Rufus Rowe, Robert Tilford and James Jackson have aided and assisted the said E. W Moore in the measures aforesaid, and that they have acted in enlisting and having citizens of the United States and other persons within the territory and jurisdiction of the United States into the service of the said Republic of Texas

(Signed) C. S. Hunter
Lieut. U. S. Navy

Sworne before me this 30th Decr. 1839.

S Kapage [a]
U. S. Coms.

Copy of a Letter from Mr Forsyth to Genl Dunlap.

Department of State
Washington [*City,*] *15th Jany 1840*

Sir,

I have the honor to communicate a copy of a letter to this Department from the attorney of the United States for the Southern District of New York, and of the documents by which it was accompanied

These papers will acquaint you, that he has deemed it his duty to commence legal proceedings against Edwin W. Moore Commander of the Texan brig of War Colorado, and against other persons for enlisting men within our Teritory to serve on board that vessel, contrary to the 2nd Section of the Act of Congress of the United States of the 20th of April 1818.

As you will without doubt promptly inform your Government of the grounds and motives for the proceedings against Mr Moore and his confederates, no erroneous impressions in regard to them can be received but it will understand that they have originated in the desire and determination of the Executive of the United States to use all legal means to preserve our neutrality between Texas and Mexico, and to maintain relations of friendship and good will with both Governments.

I am however directed by the President to acquaint you, that if any new and well founded complaints of a similar character are made against any Naval officer in the service of your Government the President will deem it his duty to exclude the vessels of war to which they belong from the waters of the United States.

[a] Rapalje.

I avail myself of this occasion to offer you renewed assurances of my very distinguished consideration

(Signed) JOHN FORSYTH.

To R. G. DUNLAP Esqr
etc etc etc

(Copy)

TEXAN LEGATION
Washington Jany 16th 1840

SIR

I have the honor to acknowledge the receipt of your communication of yesterday touching certain legal proceedings lately commenced against Edwin Moore, the Commander of the Texas Brig of War Colorado.

I shall without delay advise my Govt of the proceedings and determination of the authorities and of the President of the U. States.

I am very happy to learn from the correspondence between the district Atty of the U. States and Comodore Moore, which is inclosed with your communication, that the Secretary of the Navy of the Republic of Texas has forbid the Comodore to do any act in violation of the mutual relations subsisting between this Govt. and Mexico. I feel every way confident that my Govt. has not and will not do any act at all inconsistent with that spirit of conciliation and good will which she has ever so fondly cherished towards both the Government and citizens of the United States.

I cannot however, but regret, that the President of the United States, upon mere exparte evidence, before a trial and judgment upon the case, and before my Goverment has had an opportunity to avow or disavow an approbation of the alledged conduct of Comodore Moore and some of his officers, should have felt it his duty, so early in the history of this matter to have threatened to exclude from the ports of the United States any vessel of War, commanded by any of the officers alluded to belonging to the Republic of Texas, and especially when that threat is founded upon a contingency, the happening of which is directly at war with the whole conduct of my Goverment towards the Goverment of the United States.

I avail myself of the occasion to offer you renewed assurances of my very distinguished consideration.

(Signed) R. G. DUNLAP

To JNO FORSYTH Esqr
etc etc etc

DUNLAP TO FORSYTH.[a]

[a] January 27, 1840. See Dunlap to Burnet, February 5, 1840.

FORSYTH TO DUNLAP.[a]

DUNLAP TO FORSYTH.[b]

DUNLAP TO BURNET.[c]

TEXAN LEGATION
WASHINGTON
Feby 5th. 1840

SIR

I have the honor to enclose you a copy the continued correspondence between the Secretary of State of the United States and myself relative to Commodore Moores conduct while in New York. I also send you the additional evidence furnished me by the Secretary of State touching the same.[d]

You will see that I have changed the tone of my communication which I considered warranted by the testimony. An attempt to justify error, is only an aggravation of the offense.

I have the honor to be most Respfully
your obet servt

R. G. DUNLAP

To the Hon
DAVID G. BURNETT
Actg Secty. of State.

[Copy.[e]]

TEXAN LEGATION
Washington 27th. January 1840

HON JOHN FORSYTH
Acting Secy of State of the U. States.

The undersigned Minister of the Republic of Texas, has the honor to acknowledge the receipt of the note of the Secy of State of the United States of the 23rd Inst. in answer to his of the 16th. inst.

Genl Dunlap was very happy to receive the explanatory note of the Secy of State of the 23rd. instant, not that he entertained the opinion that there existed any feelings of unkindness or inhospitality with the President of the United States towards the Republic of

[a] February 3, 1840. See Dunlap to Burnet, February 5, 1840.
[b] February 4, 1840. See Dunlap to Burnet, February 5, 1840.
[c] A. L. S.
[d] Of the numerous enclosures, only Dunlap to Forsyth, January 27, 1840; Forsyth to Dunlap, February 3; and the reply, February 4, are here given. Cf. Dunlap to Burnet, January 27, 1840, note 2.
[e] See Records of the Department of State (Texas), Book 41, p. 258.

Texas, but that he feared that the terms and character of the first communication of the Secretary of State relative to the imputed conduct of Commodore Moore might be liable to misapprehension which he should sincerely regret. Genl. Dunlap is aware than an unwavering fidelity to all her foreign obligations is not one of the least distinguishing traits in the diplomatic character of the Government of the United States, and it is upon this, more than upon the common origin of the citizens of the two countries, that his Government so confidently relies for the perpetuation of that friendship and good will which so uninterruptedly characterized the whole action of the two Governments towards each other. Genl. Dunlap has the honor to submit to the Secy of State of the United States a copy of a letter from Commodore Moore to him of the 20th inst in which he disclaims having enlisted any seamen in violation of the act of Congress. The undersigned avails himself of this occasion to offer renewed assurances to the Secretary of State of the United States of his very distinguished consideration.

R. G. DUNLAP

Copy

DEPARTMENT OF STATE,
Washington [City,] 3d February 1840

The undersigned Secretary of State of the United States has had the honor to receive the note of General Dunlap, Minister Plenipotentiary and Envoy Extraordinary of Texas, of the 27th ult. communicating a copy of a letter from Comodore Moore to General Dunlap in which the latter asserts that he had observed most scrupulously the neutrality of the United States.

It is unnecessary to remind Genl Dunlap how directly this assertion is at variance with the information conveyed by the papers which accompanied the note of the undersigned to him of the 15th. ult. It is also contradicted by information received at the Navy Department respecting other enlistments made by Comodore Moore. As it is understood however that he has of his own accord left the waters of the United States with the vessel under his command, he has thereby released this Government from the necessity of doing more than to give the Texan Government, in the documents herewith and heretofore communicated through its Legation at Washington ample means of comparing his declarations with the information laid before the Government of the United States.

The undersigned avails himself of this occasion to offer to General Dunlap renewed assurances of his great consideration.

JOHN FORSYTH

To R. G. DUNLAP Esqr
etc etc etc

[Copy]

TEXAN LEGATION

Washington Feby 4th 1840

The undersigned Minister Plenipotentiary and Envoy Extraordinary of the Republic of Texas has had the honor to receive the note of the 3d inst of the Secretary of State of the United States in answer to his of the 27th Ult, with copies of letters and affidavits charging Comodore Moore of the Texan Navy, with attempting to enlist and ship American Seamen at the Port of New York, after his assurances, that he had not and would not violate the neutrality of this Goverment. The undersigned will, without delay, advise his Goverment of the communication of the Secretary of State of the 3d inst. with the evidence upon which it is founded

The undersigned is well assured that his Goverment will disapprobate, the imputed conduct of Comodore Moore in a manner becoming the honor and fidelity of the Republic, whenever it shall assume a conclusive character, confirmatory of the allegations against him, should this Goverment think it necessary to press matters to such a result.

The history of the origin and settlement of Texas naturally suggest that her citizens, cherishing no sentiment alien to the Goverment and citizens of the United States, may do acts unaccompanied with any criminal intent which if done by the officers or citizens of a nation having no kindred ties, but foreign in character as well as in national position, would wear a very different aspect, and merit much less forbearance

The undersigned does not wish to be understood by the Secretary of State as claiming justification for acts that are wrong and forbidden by national obligations, from that congenialty of character and indiscriminate feeling of good will, which so naturally prevails among the citizens of the two goverments, and which so inoffensively, renders it so very difficult for a Texan to realise to himself that he is not still a citizen of the United States. The undersigned merely alludes to this natural complexion of the case that it may suggest itself to the Secretary of State, that there is a propriety in justice in both our national and domestic relations which requires that the State and condition of the question should be first well understood, with the mitigating causes and motives which superinduced it before a satisfactory judgment can be given

This state of things promises, that the relations of the two Goverments being based on the happiest elements of friendship will endure, while public virtue shall cherish conventional obligations and free institutions, and at the same time appeals to an honorable fidelity and a generous forbearance for the correction of errors not founded on any national hostility.

The undersigned avails himself of this occasion to tender to the Secretary of State renewed assurances of his distinguished consideration.

R. G. DUNLAP

JOHN FORSYTH Esqr
etc etc etc.

LA BRANCHE TO BURNET.[a]

LEGATION OF THE U. STATES
Houston 7th Feby 1840

Hon DAVID G. BURNET
SIR

The papers in relation to the demand of Stephen T. Mason Govenor of the State of Michigan, of one Philo S. Rawson charged with several crimes, the nature of which is fully detailed in said papers, will be handed to you by Mr Charles A Stewart. The Govenor of Michigan relying upon the comity of Nations in the absence of positive treaty stipulations, has made a direct application to the President of this Republic for the delivery of said Rawson, as I am aware that his Excellency the President will not comply with the requisition of the Govenor, unless the demand be made through me. I have in furtherance of the views of Governor Mason, to request that Philo. S. Rawson now in Texas, be apprehended and delivered to Messrs. Charles H. Stewart and James Sanders duly authorized to receive and convey him to the State of Michigan, there to be dealt with according to Law.

With renewed assurances of my distinguished consideration, I have the honor to be, Sir,

Your most obdt. Servant ALCÉE LA BRANCHE

See file for papers relative to the above case of P. S. Rawson

SHEPARD TO LA BRANCHE.[b]

DUNLAP TO BURNET.[c]

TEXIAN LEGATION
Washington Feby 24 1840

SIR,

I have the honor to acknowledge the receipt of your communication of January 10th Ulto with its enclosure, asking remuneration from

[a] See Records of the Department of State (Texas), Book 41, p. 273.
[b] February 13, 1840. See La Branche to Lipscomb, March 12, 1840.
[c] L. S.

the United States Government for property stolen, by the Cherokee Indians of the United States, from the Citizens of Texas, which I have this day, under your instructions submitted to that Government.

I avail myself of this occasion to offer you renewed assurances of my high consideration.

And am very respectfully
Your Obt Serv't

R. G. DUNLAP.

Hon DAVID G BURNET
Acting Secy of State

DUNLAP TO FORSYTH.[a]

FORSYTH TO DUNLAP.[b]

LA BRANCHE TO LIPSCOMB.[c]

LEGATION OF THE UNITED STATES
Houston 12th March 1840.

SIR,

On the 19th of December last, I had the honor to lay before the Acting Secretary of State the case of J. Shepard Master of the Schooner Robert Center, and received from him the assurance that a special Court of Admiralty would be held immediately after the adjournment of the supreme court, to act upon the matter. I have to call your attention again to the subject which is one of peculiar hardship; and to enclose to you a copy of another letter addressed to me by Capt. Shepard. Will you be pleased to enquire into the cause of this delay and to provide against further procrastination so as to relieve the Schooner from a detention which is so detrimental to her owners.

I avail myself of this opportunity of assuring you of my distinguished consideration and esteem

ALCÉE LA BRANCHE

Hon. A. S. LIPSCOMB
Secretary of State
Austin.

[a] February 24, 1840. See Dunlap to Lipscomb, March 27, 1840.
[b] February 26, 1840. See Dunlap to Lipscomb, March 27, 1840.
[c] A. L. S.

MATAGORDA, *Feby. 13, 1840*

SIR:

I understand that the Supreme Court of Texas adjourned on or about the 18th of January, and we have had no court, as yet, to try the case of the Schooner Robert Center, of New Orleans, according to the promise of the President to your honor; and, I am informed that, according to the change of the law there will be no regular term of the District Court this Spring. I cannot say when this case will be decided, unless some further measures are taken. My crew are all on wages and expenses. Both my Counsel and myself have requested Mr. Monges, the Consul here, to inform you of the above facts; and [that] he neglects to do so is the reason which induces me to write to you myself.

I am with due consideration
Yours,

JOSEPH SHEPARD

Honorable ALCÉE LA BRANCHE,
Chargé d' affaires etc.
Houston.

DUNLAP TO FORSYTH.[a]

DUNLAP TO LIPSCOMB.[b]

LEGATION OF TEXAS
Washington 27th March 1840

Hon ABNER S. LIPSCOMB

SIR

I have the honor to enclose a copy of the correspondence between the Secretary of State of the United States, and myself relative to certain claims for depredations committed by the Indians. In case the question of the liability of the United States were now urged, and the Government after a protracted discussion should allow the claims, there payment could only be obtained through an appropriation by Congress and might occasion a delay of one or two sessions. The course indicated by the Secretary of State of the United States is the speediest and perhaps the surest, as the money can be paid out of the annuity due to those Indians. Therefore the claimants should prepare the evidence of their claim in strict adherence to the rules of taking testimony in such cases, and have it forwarded to the Representative of Texas to be submitted to this Government. The claim received was a mere statement of one of the parties without any ac-

[a] March 27, 1840. See Dunlap to Lipscomb, March 27, 1840.
[b] Records of the Department of State (Texas), Book 41, p. 275.

companying evidence, and no matter how upright and honorable the party may be, the United States Government will never feel willing to receive such a statement as a substitute for legal testimony and now I trust you will pardon me in submitting my reasons for declining to present to the Government of the United States the demand for satisfaction in the case of Genl. Henderson. I should not assume this responsibility only that I am certain my return home will not allow me to conduct the case to its conclusion and my successor who is daily expected can have the management of the whole matter if prosecuted. Upon the instructions of my Government, to demand, that those persons who violated Genl. Hendersons privilege shall be indicted by the court, is given in the most respectfull spirit. To constitute an indictable offence either the Laws of the State in which the arrest was made, or the laws of the United States must have marked the offence, without one or the other in my opinion an indictment could not be sustained, the law of nations does not give jurisdiction to either the State or Federal courts farther than the same may be recognized by some enactment. Modern times and especially the present age has enlarged and liberalized the rules of Comity between nations, it is owing more to this spirit, and the reason of the rule which protects a Minister from arrest within the Government to which he [has] been accredited, than to any well established international Law that he shall be entitled to exemption from arrest in passing to and from that Government. In a criminal prosecution this right would be more rigidly scrutinized, than in a civil action, supposing that the Law of nations could give the courts here criminal jurisdiction. The arrest in this case was not by its officers or by the Government but made on the application of a mere individual. From the character of the institutions of the United States if the President had ordered the release of General Henderson, the court would not have regarded it but have looked alone to the law which granted the privilege as a rule for its decission. When the Government has not in the most remote degree participated in the offence, the propriety of asking its interposition for redress, is very questionable, and especially when the offence has not violated some conventional obligation subsisting, between the two Governments. I am satisfied that Genl Henderson was rudely treated in the arrest, and nothing would afford me more pleasure than to give him all aid in my power for the attainment of an adequate redress. These are hasty hints given for the consideration of my Government. The Gentleman who has the charge of the Mexican Legation of this place since the death of the Minister, said to a friend who informed me last evening, that Mexico was secretly organizing an army for the invasion of Texas, and spoke of the conquest of the country, with much confidence. Felisola is to have the Command and intends not to divide his forces but move

in a body over the country. If it is true that Great Britain has obtained the Californias, it may be that her ambition for Colonization and conquest may induce her to give secret aid to Mexico, which will most certainly terminate in a war between her and the United States, in fact I do not consider a war between these two countries as entirely improbable, and I give these hints that all the contingencies may be looked at, and provided for. Col. Bee wrote some time since from Pendleton S. C. that he would be in Washington by the first of April. Since the receipt of his letter, I have informed him of his confirmation and the arrival of the credentials, draft etc. The papers relative to the melancholy fate of Col. Johnson are received and will have due attention.

With great consideration

Your ob[e]dient servant

R. G. DUNLAP

[Enclosed are copies of the following:[a] Dunlap to Forsyth, February 24, 1840; Forsyth to Dunlap, February 26, 1840; Dunlap to Forsyth, March 27, 1840.]

LIPSCOMB TO BEE.[b]

DUNLAP TO POINSETT.

Copy.[c]

LEGATION OF TEXAS

Washington 16th Apl 1840

The Undersigned Minister Plenipotentiary and Envoy Extraordinary of the Republic of Texas, being advised by the Secretary of State of the United States, that the subject of the Indian relations between the two countries has been referred to the War Department, begs leave to submit a few enquiries to the Secretary of War relative thereto.

The promptness and fidelity with which the Government of the U States has always met the question, when Texas has been threatened with incursions from Indians of the former, leaves the Undersigned no room to doubt, that the Secretary of War will fully answer these enquiries, so that nothing equivocal may seem to exist in the understanding between the two Governments upon a subject so delicate and important.

[a] See Calendar.

[b] March 31, 1840 (extract). See Waples to Bee, September 30, 1840. No entire copy of Lipscomb's letter has been found.

[c] From Book 41, Records of Department of State (Texas), p. 279. The series, Dunlap to Burnet, February 24, 1840; Dunlap to Forsyth, February 24, 1840; Forsyth to Dunlap, February 26, 1840; Dunlap to Forsyth, March 27, 1840; an extract from Dunlap to Lipscomb, March 27, 1840, from the beginning down to the words "legal testimony;" and this letter of Dunlap to Poinsett is copied in what is marked "Document C." There are two copies of this document in the Texan archives, but the correspondence does not indicate clearly what use was made of them.

1st. Have not Indians migrating to Texas, without the consent of either Mexico or Texas since the Treaty of 1831 between the United States and Mexico, been suffered to do so by the United States in direct contravention with the terms and spirit of said Treaty; and is not the United States bound to recal the Indians who have thus migrated and provide them with a home in the United States? Should the Republic of Texas now or hereafter find the undertaking too difficult to expel from her territory Indians of the United States who have or may hereafter make incursions or settlement within the Republic of Texas will not the Government of the United States, upon the request of the Government of Texas aid in their expulsion? The capricious and restless character of these savages, and their contiguity to Texas renders it more than probable that incursions will as heretofore be again made, and the United States not be informed in time to prevent them. Under such a view of the case, in the event of Texas asking aid of the United States, would it not be granted?

The undersigned avails himself of this occasion to offer to the Secretary of War of the U States, assurances of his high consideration.

R. G. DUNLAP

Hon JOEL R POINSETT
Sec of War.

BEE TO LIPSCOMB.[a]

LEGATION OF TEXAS
Washington April 21st 1840.

SIR,

I have the honor to apprize you that on the arrival of my commission and Letter of credence, (so long delayed) I repaired to this place, and that on yesterday I was formally recognised as the Chargé of the Republic of Texas by the Government of the United States, at which time Mr Dunlap presented his letter of Recal

The drafts on the Commissioners Messrs Hamilton and Burnley, The one for $4500 for my outfit and half years salary, and the other $1900 to pay the Bank of [the] Metropolis of Washington, have been accepted and will be met by Genl. Hamilton, which latter leaves for the North the 23d inst on his way to Europe to sail the 10th of May.

The other Commissioner, Mr Burnley goes north in a few days to sail for Europe the 25th Inst, it being thought better that the Gentlemen in the event of accident should proceed by different conveyances.

The action of my Predecessor Mr Dunlap on the subjects of Genl. Hendersons arrest and claim for Indian depredations, in referring them again to yourself, for farther instruction in the one case, and

[a] L. S.

evidence in the other, makes it unnecessary I should take any steps until the reply of my Goverment is received.

The proclamation of the President of Texas forbiding its citizens to participate in the domestic feuds of Mexico, and the afflicting intelligence of the barbarous murder of Col. Johnson and party on his return from the Federal Camp, I shall immediately communicate as directed to the Govt. of the U. States, and should also do the same to the Representative of Mexico, but that there is none here at present, occasioned by the death of Mr Martinez. I have therefore thought proper to forward to Mr Treat in Mexico through his House in New York, a statement of facts and copy of [the] Proclamation, with instructions to communicate both to the Mexican Govt. although I feel assured that my Government has not failed to do the same thing.

In an incidental conversation with Mr Forsyth relative to the Sabine Boundary, he seemed to think Genl. Hunt had required too much, and intimated that instructions had been given to the Commissioner to comply with the words of the Treaty, and that if farther objection should be made to dissolve the Commission as the censure would in his estimation fall upon us

As I have received no instructions on the subject I thought it best to avoid controversy until the point should come properly before me. I merely observe that to act in strict compliance with the words of the Treaty was the difficulty and Mr Forsyth farther added that he supposed that the case would be referred by the Commissioners to their respective Governments.

Mr Geo H. Flood of Ohio has been appointed Chargé d'Affaires of the U. States to the Republic of Texas and intends to be in Texas within the month of May.

I have the honor to subscribe myself

Your Most Obt servant, BARNARD E BEE.

Hon

ABNER S LIPSCOMB

Secretary of State of the Republic of Texas.

ARBUCKLE TO LAMAR.

Copy.

HEAD QUARTERS 2D DEPT W. DIVISION

Fort Gibson, April 28th, 1840.

To His Excellency

MIRABEAU B. LAMAR,

President of Texas,

City of Austin,

SIR:

I was requested by a Cherokee Council assembled at this Post of late, to assure you of their desire that the whole of their people now

in Texas, should immediately return to their nation, and thereafter remain in their own country.

I have no doubt the Cherokee people are sincere in the wish they have expressed on this subject; and as many of their people that formerly lived in Texas, have returned of late, they hope that the time is not distant when their wishes will be fully accomplished. Under such circumstances they hope your government will not desire to detain any of their people in Texas.

With respect to the wish of the Cherokee nation in relation to some of their people now in Texas, I regard it proper to assure you, that if such of them as may be prisoners, are conveyed out of Texas in the direction of Fort Towson, that the Commanding Officer of that Post will be instructed to issue such quantity of provisions to them as may be necessary to enable them to return to their nation.

I have the honor to be, Sir,
with great Respect,
Your Obt. Servt. M. ARBUCKLE
Brevt. Brigr Genl. U. S. A.

BEE TO SECRETARY OF STATE OF TEXAS [LIPSCOMB].[a]

[Transmitting copies of three unsigned letters, dated respectively August 29, November 10, and November 18, 1839, which Bee has received from a confidential agent in Mexico.[b]]

BEE TO LIPSCOMB.[c]

LEGATION OF TEXAS
Washington 1st. May 1840

Hon A S LIPSCOMB
SIR

A despatch under date of 31st March last has been received,[d] * * * in which is the acknowledgment of the receipt of a communication from my predecessor Genl. Dunlap on the subject of Commodore Moore arrest, with accompanying copies of a correspondence between himself and Mr Forsyth including evidence submitted by the former, which served as sufficient ground in the opinion of the United States Government, for that arrest, and for the threat conveyed by the note of

[a] L. S., April 30, 1840.
[b] These will be published with the Mexican correspondence. The agent was probably A. S. Wright. See *The Red-Lander* (San Augustine, Texas), September 29, 1842.
[c] For this letter and enclosure, see Records of the Department of State (Texas), Book 41, pp. 278, 280.
[d] The matter here omitted relates to Bee's salary.

Mr Forsyth in the following words (viz) "If any new and well-founded complaints of a similar character are made against any naval officer in the service of your Government, the President will deem it his duty to exclude the vessels of war to which they belong from the waters of the United States.["] It appears the steps pursued in this case by the United States has been regarded by the Government of Texas as harsh, premature and entirely unwarranted by the facts set forth in the papers thus submitted--and more especially as the declaration of Comr. Moore himself serve[s] to show that the alleged cause of complaint by the United States without foundation. Concuring as I do in opinion with my Government that the U States has acted precipitately in the matter, yet as copies which had been forwarded of a later despatch from Genl. Dunlap to Mr Forsyth and the latters reply of the 3rd Feby had not been received when the communication to which I am now replying was written, and as Mr Forsyth in this last note above alluded to holds the following language ["]as it is understood, however, that he (Comr. Moore) has of his own accord left the waters of the United States, with the vessel under his command—he has thereby relieved this Government from the necessity of doing more than giving the Texan Government, in the documents herewith and heretofore communicated through its legation at Washington ample means of comparing his declaration with the information laid before the Government of the U. States." I have come to the conclusion that it is better not to revive the correspondence, as doubtless no new and *well founded* complaints can arise to justify the U States in enforcing the threat to exclude Texas vessels of war from the waters of the U States. A conclusion I trust that on receipt of the farther correspondence herein alluded to, the Govt of Texas will deem just. In answer to that portion of the despatch relative to the utility of impressing upon the Government of the U States her obligation of restraining her Indians from committing depredations upon Texas—I beg leave to submit a copy of Genl. Dunlaps note to the Secretary of war of the United States, to which a reply has been promised but not yet given. Accompanying my communication of 21st. inst was the copy of a letter from a confidential agent in my employ in Mexico containing information as to the intentions of Mexico in regard to Texas.[a] I now submit copies of previous letters from the same source which could not be got in readiness to send on the former occasion, and which I beg leave to request will be preserved with the copy previously communicated, in the secret archives of the State Department. I also subjoin a copy of a communication to the Secretary of State of the United States relative to Col. Johnson. A representation to Mr Treat at Mexico on the same subject, has

[a] An unsigned letter, dated February 5, 1840, probably written by A. S. Wright. See Bee to Lipscomb, April 30, 1840, note b.

gone forward to be opened in the event of his absence by Mr Ellis United States Minister

Very Respectfully
Your obdt. Servant

BARNARD E BEE

LEGATION OF TEXAS.
Washington 5th Apl. 1840

Copy

To Hon JOHN FORSYTH
Secy of State of the U. States

The undersigned Chargé d'Affaires of the Republic of Texas has the honor by the direction of his Government to present to the Secretary of State of the United States herewith enclosed the copy of a Proclamation by the President of the Republic of Texas, enjoining neutrality on the citizens of that country in regard to the civil dessentions at present existing in Mexico,[a] and further to inform the Secretary of State of the United States, that with a view to the more certain and general promulgation of this Proclamation, Col Johnson with an escort of eight or ten men, was despatched to the head quarters of the Federal Army where it had been ascertained some of the citizens of Texas had assembled through a misguided and imprudent zeal, to operate against what they supposed to be the common enemy, a delusion which it was thought, this Proclamation would dispel, and the policy of the President remain uncompromitted. It appears from the most authentic information, that Col Johnson had executed the object of his mission and left Camargo about the 15th December last and after crossing the Rio Grande on his way home was intercepted and the whole party put to death, with circumstances of fiendish cruelty; and thus the effort to maintain the good faith and moderation of Texas has been attended with the sacrifice of the blood of some of her most worthy citizens. The well known friendly disposition of the Government of the United States towards Texas giving rise doubtless to a desire on the part of the former to see the relations between Texas and Mexico established upon a friendly footing, leads the undersigned to hope that should any opportunity offer of impressing upon Mexico the importance of such a result, the Government of the United States, will not fail to use its influence in behalf of Texas to that end—and avail itself of the information now presented for that purpose, doubtless the Mexican Government on learning that such an outrage has been committed, will be ready to make

[a] Dated December 21, 1839. See Records of the Department of State (Texas), Book 38, p. 50.

every amend, and vindicate her honor by denying all participation in so base an act.

The undersigned offers to the Secretary of State of the United States assurances etc

B. E. Bee

Forsyth to Bee.[a]

Amory to Lipscomb.[b]

Legation of Texas
Washington May 8th 1840

Sir,

In the absence of Col Bee I hasten to transmit copy of the reply of Mr. Forsyth Secretary of State of the United States of the 4th Inst to the note of the former of the 25th Ultimo

In the communication of Col Bee above alluded to, he informed Mr Forsyth, that Col Johnson had been made the bearer to the Federalists beyond the Rio Grande of the Proclamation by the President of Texas (a copy of which was enclosed) enjoining upon the Citizens of Texas neutrality in regard to the civil dissensions of Mexico; and also informing him of the melancholy fate of that Gallant Officer and soliciting "in the event of an opportunity offering" the friendly mediation of the United States between Texas and Mexico, towards the establishment of amicable relations.

Mr Forsyth in a note to Genl. Dunlap dated 17th July 1839[c] says "You will perceive that a mediation is not to be offered unless invited by Mexico"

The determination conveyed in this extract is the same alluded to by Mr F in his note to Col Bee a copy of which is now transmitted; and it was with a knowledge of such detirmination on the part of the United States, that in again asking the aid of her Government Col Bee qualified the request by saying "in the event of an opportunity offering" meaning of course in case circumstances should in the opinion of the U. States justify her Government in affording the aid desired

Very respectfully
Your Obt. Servt

Nathl. Amory *Secy Legan.*

Hon.
A. S. Lipscomb
Secy of State of Texas

[a] May 4, 1840. See Amory to Lipscomb, May 8, 1840.
[b] A. L. S.
[c] This note has not been found in the archives of Texas. That of the same title and date noted in the Calendar does not include the extract here given.

(Copy.)

DEPARTMENT OF STATE,
Washington [City], 4th May, 1840.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of Mr Bee, Chargé d'affaires of Texas, of the 29th ultimo and of its inclosure. In answer, the undersigned has the honor to acquaint Mr. Bee that although he is entirely correct in supposing that the United States desire that the relations between Texas and Mexico may be established upon a friendly footing, nothing has occurred since the communications on that subject from this Department to the Predecessors of Mr. Bee as the Representatives of Texas here, to render a change of the determination of this Government expedient. Whenever consistently with that determination the good offices of the United States can be useful they will be most cheerfully interposed.

The undersigned avails himself of this occasion to offer to Mr Bee, assurances of his great consideration.

JOHN FORSYTH

To BERNARD E BEE
etc etc etc

AMORY TO LIPSCOMB.[a]

WASHINGTON [CITY,] *8 May 1840*

To the Hon. SEC'Y OF STATE OF TEXAS

DEAR SIR,

I enclose the message of Prest. Jackson of Decr. '36 transmitting to the Congress of the U. S. Mr Morfits report upon the condition of Texas. I am not aware, of these Documents being in possession of the Govt. of Texas, and think they may be useful for reference in general, and particularly in regard to the Boundary Question between Texas and the U States regarding which are some remarks page 15. Mr Morfit is residing here a useful, active, and a long and tried friend to Texas.

Enclosed also is the memorial of a talented Gentleman Mr Fleischmann who desires to remove with his Family to Texas in the fall, he has been long in the Patent office of the U. S., engaged in making drawings from the specifications alone, of inventions the models of which were burned and not replaced, an arduous and delicate task. As a draughtsman civil engineer and agriculturalist I believe he is

[a] A. L. S., written on the same sheet with his previous letter of the same date.

unsurpassed, and would be a great acquisition in the Land Office or any of the Departments and particularly the Patent Office from a knowledge of the manner in which that of the U. States is conducted. Should you have it in your power to offer any encouragement please inform me

Respectfully
Yours etc N. AMORY

P. S. The public documents I sent by separate conveyance.

AMORY TO LIPSCOMB.[a]

LEGATION OF TEXAS
Washington May 23d 1840

To the Hon
ABNER S LIPSCOMB
Sec'y of State of Texas

SIR,

I have this day rec'd from the Austrian Legation a note enclosing a long list of statistical enquiries concerning the state of Texas. These I have submitted to Doctr. Moore and C. W. Buckley of Houston desiring them to give the information required and which is to form part of a Book now in progress.

The object of the present is to desire you to have a set of laws and *all* printed documents of the Govt. sent as soon as practicable in a Box directed to

Le Chevalier Friedrichsthal[b]

Philadelphia

to the Collector of Galveston to be shipped to Baltimore New York or Philadelphia at the same time writing Mr Friedrechsthal that it has been done. The great benefit which may result to Texas thereby is my only apology for making this informal request.

Mr Bonnels book[c] would be *highly* useful

Very respectfully
Yr Ob't Servt NATHL. AMORY
Sec: of Legation.

The books for the Legation desired by me to be sent before leav'g Austin, in Decr. last have never been rec'd.

[a] A. L. S.

[b] The original has "Sriedrichslhal."

[c] Geo. W. Bonnell's *Typographical Description of Texas* (Austin, 1840).

ARCHER TO ARBUCKLE.

Copy.

WAR DEPARTMENT,
City of Austin, 11th. June, 1840.

Brevt. Brigadier General
M. ARBUCKLE, U. S. A.

SIR:

You will please accept the thanks of his Excellency, the President, and of this Department, for Your communication of date "Fort Gibson April 28th., 1840."

We have suffered, and are still suffering most serious injury from the intrusive advances of the Cherokee Indians within the limits of our jurisdiction and territory.

The position in which we stand with the Cherokee people, within our limits, is hostile; we should therefore be greatly pleased to see them return to their legitimate home, and again united with their own people in the United States.

The Cherokee Prisoners have been despatched to the Post most convenient to your command. An attempt to send them to Fort Towson would have been no less hazardous to them, than to their escort; our Prisoners being exclusively women and children.

We trust, that in thirty days from this date, they will be at Fort Jessup.

I have the honor to be with great respect,
Your Obt. Svt

B. T. ARCHER
Secretary of War.

By Order of his Excellency the President

ALMONTE TO BROWN.[a]

LIPSCOMB TO BEE.[b]

[a] June 20, 1840. See Bee to Lipscomb, December 16, 1840, copy of Bee to Forsyth, December 14, 1840, note.

[b] August 8, 1840. See Waples to Bee, September 30, 1840.

AMORY TO LIPSCOMB.[a]

Despatch No. 56.[b]

LEGATION OF TEXAS
Washington Augt 21st. 1840

Hon. ABNER S. LIPSCOMB
Sec'y of State of the Republic of Texas

SIR,

Since Col Bees departure on the 15th Inst another long communication from our secret informant in Mexico has been received copy of which I now enclose.[c]

That portion in relation to the United States Indians, I shall make known in a private manner to Mr Poinsett Sec'y of War of the United States, and at the same time call his attention to the queries remaining unanswered addressed to him in April last by Genl. Dunlap.

The subject of Indian relations between the two Governments is one I am aware that should be approached with delicacy and caution, as intimated in the instructions of the Hon. Sec'y of State of 30th of May 1839, for fear of provoking an untimely discussion as to the obligations of the United States to Texas in regard to this matter. In no communication from the Govt. of Texas to the resident Minister here do I find stated the plain and positive grounds for the position assumed that the Treaty of 1831 between Mexico and the United States is mutally binding on Texas and the latter Government, altho' Judge Burnet then Sec'y of State, in a dispatch to Genl. Dunlap Minister here, of 30th of May 1839 (at the time when the expulsion of the Cherokees and other tribes had been decided upon[)] holds the following language

"The President conceives that the Government of the United States "has frankly and justly acknowledged the right of Texas to the "benefit of that Treaty especially in reference to the 33d. Art."

The Presidents opinion thus avowed I concluded to be founded upon the following announcement of the President of the U. States Genl. Jackson, as expressed in a note from Mr Forsyth to Mess Wharton and Hunt under date of March 7th 1837.

"The President considers the Texan Flag as entitled to all the "privileges, stipulated for the Mexican Flag in the Treaty between "the United States and Mexico, and the United States will claim for "their Flag all the benefits of that Treaty in the Texan Ports, until "some other arrangement shall be made between the two Govern-"ments."

[a] A. L. S.

[b] With this despatch, the numbering of the series from the United States begins again.

[c] This refers apparently to a copy of an unsigned letter, filed separately, dated June 25-July 2, 1840, probably written by A. S. Wright. See Bee to Lipscomb, April 30, 1840, note b. It will be published with the Mexican correspondence.

And Judge Webb then Sec'y of State in his instructions to Genl. Dunlap of 13th March 1839, on the same subject speaks as follows— "In your intercourse with the Government of the United "States upon subjects connected with our relations with that Govern- "ment you will upon all proper occasions respectfully urge the neces- "sity of the most rigid observance on the part of both of the 33d Art. "of the Treaty entered into between the United States and Mexico "on the 5th April 1831." And on the part of the United States I find the following admission by Mr Forsyth Sec'y of State in a note to Mr Jones Minister of Texas under date of 3d of Decemr. 1838 "A copy of your note has by direction of the President been trans- "mitted to the Sec'y of War, who being charged with the superin- "tendence of Indian affairs, will adopt such measures as may appear "necessary for the fulfilment of the obligations of the United States "under the Treaty referred to in your note" And again another assent to the existence of the Treaty as applied between the Government of the United States and Texas is given in a note of Mr Poinsett Sec'y of War of 18th July 1839 in answer to Mr. Forsyths note above alluded to as follows "the Texan Government may rely upon every "exertion being made on our part to fulfil our Treaty stipulations "in this particular" (which I interpret to refer to Indian relations)

But I find in a communication from Mr Hunt to the Sec'y of State of Texas, Despatch No. 34 of 23d June 1838, speaking of the views of the U. States as expressed by Mr Forsyth about forming a Treaty with Texas, the following—viz

"He appeared to be under the impression from information he "had rec'd from Mr La Branche, that Texas was unwilling to admit, "that the old Treaty was binding upon her. He said he had written "to Mr La Branche for the purpose of being more definitely informed "upon this head" And again I find that the Sec'y of State of the United States Feb'y 21st 1838 encloses to the Minister of Texas here, a circular from the Treasury Department of the United States, from which I extract the following

"Sir, I have to communicate for your government that by informa- "tion received from the Department of State it appears that the 5th "and 6th Articles of the Treaty with Mexico, are held to be obliga- "tory on the Republic of Texas"

But I find nothing in the Archives of the Legation shewing how that arrangement was made. Thus I am at a loss for accurate information on these, and many other points, for want of the correspondence between the Government of the United States through the resident Minister in Texas, and the Govt. of Texas, no copies of that correspondence having been furnished the Legation here. The importance and indeed absolute necessity that the Representative of

our Republic near this Government should be in possession of all which has transpired at home between the State Department and the Minister from the United States, will be apparent to you from the single circumstance, that already upon the question of relevancy of the Treaty of Mexico to Texas, a conflict of opinion seems to exist between the Sec'y of State of Texas in his communications to Mr La Branche and Messrs Hunt and Jones in theirs to this Government here. We cannot advisedly enter upon or discuss any subject, with the Govt. here in relation to our public interests, when that subject has been made a topic of correspondence in Texas, without having every thing in relation to the matter before us

We can reiterate the views more in extenso as they have been advanced at Home, and for the sake of consistency in all our public acts, I would most respectfully request, that the same course may be pursued in relation to the Legation which is so common and usual with those of other distant Governments towards their Representatives, and that we may be provided with all that has been done or said upon every question between this and our Government.

The Indian John Brown mentioned in private correspondence from Mexico (I am led to believe on enquiry[)] is the famous Cherokee chief opposed to Ross. The latter left here on his return home yesterday, a friend of mine Mr Howeard Payne accompanied him, and he has promised to advise me of any movement he may observe, while on his visit to that nation in any way affecting the interests of Texas.

The Commissioners appointed by Mexico to settle the claims of Citizens of the United States are here, and I shall procure an interview, altho' I do not anticipate gaining any advantage thereby, as Mr Treat writes Col Bee they are not clothed with any power beyond the mere settlement of these claims, and are not prominent men in Mexico. Mr Treat says in answer to Col Bee's request that in the event of Mexico's sending a minister to the United States he will get acquainted with him and if possible dispose him to maintain a friendly intercourse here touching the interests of Texas and Mexico.

That Mexico will not probably send any Minister to The United States at present!

If the Sec'y of the Treas'y will send a Draft on the Commissioners for my semiannual salary and for the amounts of contingencies of Legation, deducting amounts of Bill of Stationary $124 The whole perhaps can be arranged

Respectfully Yr Ob't serv't N Amory

P. S. Col Bee's health is very bad and he has left to make a visit to his family

AMORY TO LIPSCOMB.[a]

Despatch No. 57

LEGATION OF TEXAS
Washington 25th Augt 1840

Hon.
ABNER S. LIPSCOMB
Sec'y of State of the Repc. of Texas
SIR,

I called at the State Department this morning and introduced myself to the recently appointed Chief Clerk Mr J. L. Martin, who immediately apprised me that Mr Forsyth the Sec'y of State had left the City a few hours before upon a journey, and that *he* was acting as Sec'y of State.

My principal object of the visit, was to gain some information, in relation to the operations of the Commissioners employed to mark the boundary between Texas and the U. States.

Mr Martin told me however that they had not made a report of their proceedings, the detail of which he did not appear to be well acquainted with. I ascertained however in the course of conversation, that Mellish's map published in Philaa. 1st Jan. 1818 referd. to in the Treaty of Limits was in possession of this Department, this I was allowed to inspect for my own satisfaction, and I found the Nechas and Sabine here laid down by their proper names as now called, and in the same manner and relative position as in other more recent maps—thus forever quieting the question of claim of the United States, to the Nechas as the Sabine named in that Treaty.

I next called at the War Department obtained an interview with Mr Poinsett the Sec'y of War and exhibited to him that part of the Mexican informants letter, which related to the removal of certain Indians (the letter referred to is the same I forwarded with despatch No. 56 21st Inst) Mr Poinsett took a copy of the Sec'y of War Almontes official note to the Indian [John Brown] promising me to communicate it with all possible dispatch to the commanding officer on the Northwest Frontier of the United States, at the same time enjoining upon him the importance of increased vigilance, and ordering him promptly to interfere and prevent the Indians making the proposed removal should he discover they were preparing to do it. This arrangement between Mexico and the Indians, he coincided fully with me in believing could not be trusted as a pacific measure, but one fraught with danger to Texas and the U. States, particularly taking into view the intercepted correspond-

[a] A. L. S.

ence of the Mexican Gov't with the Indians as communicated by Genl. Dunlap to Mr Forsyth in a note of 29th June 1839, shewing the exertions making by Mexico to engage American Indians as allies in the war with Texas.

I next alluded to the queries submitted by Genl. Dunlap under date of April 6th 1840 in regard to Indian relations, remaining unanswered, to which Mr Poinsett observed that he had sent an answer to those inquiries to Mr. Forsyth Sec'y of State, as the State Department was the legitimate channel of communication between the Rep[resentative]s. of Foreign Governments and this Govt. and had supposed this answer had been transmitted by the Sec'y of State to the Representative of Texas, until informed by Col Bee that such was not the case. He then desired me to see the Chief Clerk of the State Department and ascertain if the paper could be found, as no copy of the same was taken at the War Department. Accordingly I again waited upon Mr Martin Act'g Secy of State and desired to know what had become of the paper in question—he replied that Mr. Forsyth had mislaid it and all search hitherto had proved unsuccessful, and now particularly as Mr. Forsyth had left town no chance of finding it remained until his return. *He considered that the accident had occurred in consequence of the slight informality of proceeding in the first instance by Genl. Dunlaps making the application to the Sec'y of War direct*, instead of through the Sec'y of State (which by the way Genl. Dunlap doubtless had a motive in doing) These Gentlemen were very polite and expressed themselves willing to waive any inconvenient formality providing the paper should be found, by forwarding it to me. I observed that if it could not be found, I might feel it necessary to renew the application through the proper channel—viz. the Department of State. To which he replied that if I considered it of such pressing importance as to require attention before Mr Forsyths return, to do so and it would be attended to.

I have reflected since upon the matter and have come to the conclusion that it will be better for me to suspend farther action upon the subject until I am put in possession of any thing in the correspondence at home between my Govt. and the Representative of the United States, which may have a bearing upon the subject—as Mr Forsyth, as I related to you in my last Dispatch, referd. on one occasion to something in the communications between these, as evincing an intention on the part of Texas to deny the applicability of the Treaty of 1831 between the U. States and Mexico, to Texas, and any farther reference to the same point, which he might now make I should be unprepared to reply to.

If the copy of Mr Poinsetts answer is found I am promised it if not I shall wait until I hear from my Govt., which may see fit to give

me particular instructions, *perhaps modifying Genl. Dunlaps enquiries*, after examining the correspondence between the Repe. of the U. S. in Texas and the Govt. of Texas.

I would here beg leave to suggest the great importance of keeping private, such verbal communications between the Legation and the Govt. or the U States, as the foregoing, for the Sec'y of State expressed himself much displeased last winter to find conversations printed by the Congress of Texas, and he was afterwards more reserved than he would otherwise have been.

The great danger, of any suspicion in Mexico, of our friend there, will suggest also to you, the propriety of great caution on his account.

I called to day upon the Mexican Commissioners but did not find them. I shall tomorrow renew my visit, I hope with better success.

I have the honor to subscribe myself

Your most Obt Serv't

NATHL. AMORY.

P. S. I shall not write the result of my visit to the Mexican Commissioners unless something transpires of importance.

BEE TO LIPSCOMB.[a]

PENDLETON So CA *30 Sept 1840*

SIR,

Your communication of the 8th. August has just been sent me from Washington. The United States are disposed to forward all our views relative to *their* Indians, but I have confined myself to *personal* interviews with Mr. Forsyth and Mr Poinsett until we could obtain copies of Mr. La Branche'[s] correspondence with your department, as it was important that we should be *well informed* before we opened a correspondence: my impression is, Mr La Branche was informed that Texas did not consider the Treaty with Mexico and the U. States on this subject as obligatory on them. Mr Amory's last communication will prove to you how important it is our eyes should be constantly directed to these Indians. I have always dreaded them infinitely more than Mexico; and two years ago, when I had the honor of being in the War Department, I addressed Mr. Poinsett on this subject his reply was—"that as long as the Indians were receiving their annual stipend, he thought we had nothing to apprehend, as the slightest infraction of the new treaty of the U States would deprive them of their annuities." That they should receive these on their *own ground* and not in Texas is important, and the moment I receive Mr La Branche's correspondence, [I] will bring the whole subject formally before the Government.

[a] L. S.

Mr Rowlett's claims for damages have been suffered to remain over until items were furnished. The Legation wrote upon this subject as far back as April.

The political excitement in the U States is a full justification for your excellent remarks and suggestions; on habits of great personal courtesy with the prominent men of both parties, and receiving marked civilities from the President and his Cabinet, I have pursued the even tenor of my way. Were I to express feeling on the subject, it would be that of thorough disgust with both Parties. Nothing can exceed the Press except the indecorum of the House of Representatives. I trust Texas will mark it, and avoid the baleful effects of party spirit, but I have no hope of this. We are destined I fear to imitate the vices as well as the virtues of the Mother Country. The more I mingle in Politics the more hateful they appear.

My last letter from Mr Treat intimates that no step has been taken by him since the disturbance in that country. He was to write by the next Packet.

Genl Hamilton and Mr. Burnly[a] doubtless keep you constantly advised; in addition to the letter published in New York, I have the pleasure of informing you that by the Queen I received information that the recognition of our Independence by Holland *had been obtained*, and that the loan would be immediately opened; at the North no one doubts his[b] success. Lord Palmerston on the part of England will receive us into the family of Nations in October: thus with money we might disregard Mexico; nevertheless, I would greatly prefer that Mr Treat should succeed.

I have been very much of an Invalid since I left Texas I am happy to say however I am decidedly better. I am on a visit to my family in So Ca, preparatory to their removal to Washington this Winter. I requested Judge Webb to say to you that while the whole diplomatic corps at Washington turned their faces to the *north* during the recess of Congress, I should look to the *south*. Before doing so, I took formal leave of the President and informed him that my Sec'y would always be in attendance.

I have the honor to be
With great respect and esteem,
Yrs

BARNARD E BEE

Hon SEC'Y OF STATE

[a] Burnley.
[b] Mr. Treat's.

WAPLES TO BEE.[a]

DOCUMENT B.[b]

DEPARTMENT OF STATE,
Austin 10th[c] Jany. 1840.

SIR,

I enclose you a copy of a communication recently received from Doct. D. Rowlett, a member of our Congress for Fannin County, and a gentleman of unexceptionable character.

You are requested to present his claim to the Government of the United States without delay. It is probable from the fact that the Indian Agent, resident with the Cherokees in the State of Arkansas, has been made acquainted with the claim and the circumstances connected with it, that you will find the Government of the United States already informed on the subject, and the President is persuaded that, that Government will only require to be informed of the relative facts to induce them to order a prompt restitution or adequate compensation to be made to the parties injured.

The amount claimed is but a reasonable remuneration for the losses actually sustained. And by referring to the treaty between the United States and Mexico on this subject, you will find such remuneration fully stipulated.

Should any further testimony be required to substantiate the claim, you will apprize the department of it as early as practicable, for the citizens concerned in the demand have a plain interest in its speedy adjustment. If the Government of the United States are convinced of the justness of the demand, it cannot be doubted that they will give a peremptory order, to have the amount due the claimants abated from the next annuity payable to the offending tribe of the Cherokees, and paid to the Claimants at such convenient time and place as may be selected.

Your early attention to this business is requested.

I have the honor to be etc.

DAVID G. BURNET,
Actg. Secy of State.

To Honorable
R. G. DUNLAP.

Extract of a letter from A. S. Lipscomb to B. E. Bee Esqr.

(Dated) AUSTIN *31 March 1840*

I would particularly call your attention to the subject of depredations committed by the Indians of the United States, on the inhabit-

[a] It should be noted that in copying "Document B," the order of the letters as given therein has been followed, and Waples to Bee comes last.

[b] An endorsement in the same hand as the text of the letter, but written with differently colored ink.

[c] In a duplicate copy of "Document B" on file with the correspondence this date is the 14th.

ants of our frontier, this Government has reason to believe that most of our Indian troubles, proceed from the Indians residing within the limits of the United States, particularly the Caddo's and they are believed all of them to be principally supplied with weapons from the U. States You will not fail to urge upon the United States the necessity of a compliance with the stipulations of the treaty by which they bind themselves to keep those Indians within their borders quiet, and to restrain them from acts of hostility. This cannot be too frequently urged upon the Cabinet of Washington.

I have the honor to be etc.

(Signed) A. S. Lipscomb

Extract of a letter from the Hon A. S. Lipscomb to B. E. Bee Esq.

(Dated) Austin *8th Aug 1840*

Since my last to you, circumstances have transpired, that renders it necessary that I should again reiterate my last instructions to you, and that you should particularly call the attention of the Government of the United States to the subject of inroads, and depredations committed by certain Indian tribes, belonging to that Government, on the property and lives of the citizens of our Government. Mrs. Webster who with her two children were taken prisoners by the Comanche's, when her husband and his party were killed, made her escape in the spring of this year, and on her way into San Antonio, reports that she had once before made her escape, from her captors:— And had arrived within thirty miles of this place, when she was recaptured by the Caddo Indians, and delivered up to those who had first taken her, by them, she reports that there were Kickapoos, Shawnees, Cherokees, and Choctaws? and a considerable number of negro slaves, men women and children, from the United States, with them Caddo's.

That on the approach of spring most of them retired up the Brazos as they said to make corn. The Caddo's are believed to be pensioners of the United States, that they receive their regular annuities, and that they are thus furnished with the means of conducting their own hostile operations against us, and likewise supplying the Comanche, and other wild Prairie Indians, with arms and ammunition, and receive in exchange stolen horses. It is rumored that the Caddo's are not even required to present themselves within the United States, to receive their annuity, but that it is sent to them, within our boundary, by some one representing them. It is confidently hoped, from the known honor and fidelity with which the United States Government has always been signalized, in the performance of all her engagements with other Governments, that she will take some

effectual means to arrest those grievances. Should them Indians be encouraged by indulgence to hold out inducements, to the slaves from Texas and the United States to take refuge among them, and join them on their marauding parties, the evil in its Progress may become very serious to the Southern W. States. I am fully aware of the difficulty, if not impossibility of preventing hunting Indians from passing any line of longitude or latitude in an uninhabited country, but they might be instructed not to approach in their hunting expeditions within some hundred miles of our settlements. If the annuities are with-held from them, until they gave satisfactory assurance of the conducting themselves peaceably, and in subordination to the stipulations of the treaty between this Government and the United States, It seems to me, that they could by such means, be restrained.

I am Sir with great respect etc.

ABNER S. LIPSCOMB

DEPARTMENT OF STATE,
Austin 30th Sep 1840

SIR

Herewith enclosed are statements of citizens of Texas, for losses sustained by them during the spring of 1839 for horses stolen by the cherokee Indians. These statements have been made and testified to as per direction of your predecessor of 27th March 1840. You will lay them before the Government of the United States, in order that they may be duly attended to. And inform this department as early as practicable of the result, as the parties concerned are anxious to know it.

I have the honor to be etc.

JOSEPH WAPLES
Acting Secy. of State

To the Honorable
B E BEE
Chargé d'affaires

FLOOD TO LIPSCOMB.[a]

LEGATION OF THE U. S.
Galveston, Oct. 30, 1840.

SIR:

Complaints from several persons, claiming to be citizens of the United States, have been made to me, alledging they have been drafted to serve in the Army of the Republic, while mere sojourners in the Country.

[a] A. L. S.

Will you be pleased to say, if the Republic of Texas claims the right of drafting citizens of a Foreign Government, who may be found within her Territorial limits, to serve in her armies?

With sentiments of high consideration, the undersigned has the honor to subscribe himself,

Very Respectfully,
Your Ob't. Sev't.

GEO. H. FLOOD.

To the Hon.
ABNER S. LIPSCOMB,
Secretary of State,
Republic of Texas.

AMORY TO LIPSCOMB.[a]

(Despatch No. 58)

WASHINGTON [CITY,] *November 12th 1840*

SIR,

I have the honor to acknowledge the receipt of your several favors of 8th August and 19th[b] and 30th of September last. That portion of the first of the above named communications respecting Indian difficulties will be made the subject of correspondence with the Govt. of the U. States on the arrival of Col. Bee in a few days, his health having so far improved as to admit of his return to Washington.

I presume Col. Bee in laying the subject of late Indian aggressions (particularly the Caddos) before this Government will omit to urge the discussion of the question as to what extent the U. S. is bound to aid and assist Texas in the expulsion of those U. S. Indians who for a long time have been resident in Texas—postponing the adjustment of that subject for the Government under Genl. Harrison, who it is now settled is to succeed the present incumbent on the 4th of March next, when perhaps the freedom of the coming administration from the many embarrasments under which the Govt. as now administered has for some time labored, justifies the expectation of more liberality on its part in the arrangement of Indian relations with Texas, and a discontinuance of the policy of opposing the consideration of claims generally, which would swell the national debt or in any way injure the popularity of the party in power or offer any obstacle to its continuance another term. To this cautious policy may in part be ascribed the failure of repeated applications to the Govt. or the U. S. heretofore,—and the prospect of success seems much greater with the coming administration than with the present, at least it can not be worse. In the mean time the correspondence

[a] A. L. S.
[b] This letter has not been found.

between the Govt. of Texas and the Rep[resentative]s. of that of the U. States in Texas will have been received, together with a more accurate and minute statement from yourself of circumstances favorable to the claim to be presented—further instructions having been called for by Mr Jones Minister of Texas after the remarkable reply of Mr Forsyth of 3d Decr 1838 and the subject has not since been strongly urged.

As discretion was allowed whether or not to communicate the circumstances of Mr. Smiths (Commissioner on the part of Texas to run the Boundary between Texas and the U. States) *embarrassment* for want of funds and the possibility of his failing to be on the spot to meet the united States Commissioner at the time appointed, I concluded that as he would doubtless have communicated the fact of the anticipated trifling delay to the said U. S. Commissioner it would not require to be formally made known to the Government here

The evidence of thefts committed by Indians of the U States to substantiate claims of Texan citizens accompanying [your] dispatch of 30th Sept last will also be submitted to the Govt. of the U. S. and an urgent request made for immediate action.

[a] * * * * * * *

Enclosed is a recommendation to Mr John S. Preston for a situation in the Treas'y Department of Texas.

Accompanying this you will also receive a copy of another communication from the secret Mexican correspondent altho' not of very recent date.

I have the honor to be
Most respectfully
Yr Obt Serv't

N Amory *Sec of Legation*

P. S. I forwarded by ship from Alexandria to New Orleans a few days since care of Mr Bryan a Box of Congressional documents for the Govt. of Texas.

Amory to Lipscomb.[b]

Washington [city,] *21st Novr 1840*

To the Hon.
Abner S. Lipscomb
Sec'y of State of Texas

Sir,

In consequence of the umbrage given the Govt. of the U States last winter by the publication by the Congress of Texas of certain con-

[a] Here are omitted several paragraphs in which Amory recommends Francis Guerney Smith for Texan consul at Philadelphia and refers to recommendations of the same gentleman by several others, including Nicholas Biddle.

[b] A. L. S.

versations and private understandings between the former and the Rep[resentative]s. of the latter here, I take the liberty of now adverting to the fact in case you may not be aware of it, in order that due caution may be observed in publishing matter of the kind in future or indeed any opinions given by the Legation relative to the policy or motives of the U. S.—such for instance as the views expressed by myself in dispatch of 15th Inst—which altho perhaps proper to be made known to my Govt might be highly improper to publish to the world

You will please excuse a suggestion, which altho' probably unnecessary, my anxiety to prevent the possibility of a recurrence of the mortifying complaint made to Genl. Dunlap last winter by Mr Forsyth, induces me to offer, at a time when the Congress of Texas is likely to call forth the correspondence between the two Govts.

Very respectfully Yr Ob't servt.

N. AMORY.

INDICTMENT AGAINST MCQUEEN.[a]

RADCLIFF TO [AMORY (?)].[b]

AMORY TO LIPSCOMB.[c]

Despatch No. 59.

WASHINGTON [CITY,] *Novr. 27, 1840*

Hon ABNER S. LIPSCOMB
Sec'y of State of Texas

DEAR SIR

I herewith enclose copies of two communications directed to me from the City of Mexico, one from the secret correspondent of Col Bee, copies of whose former despatches have been regularly transmitted to the Department—and another from an old acquaintance of my own, whose history I give on a seperate Sheet, in order that it may be kept apart with the copy of his letter, as private information.[d] I received this morning an Austin paper of the *7th Inst* containing the Presidents Message, and Mr Kaufman's address to the H of R on taking the Speakers chair, which I immediately sent to Messrs

[a] November 24, 1840. See Flood to Burnet, February 12, 1841.

[b] November 26, 1840; extract. See Amory to Lipscomb, November 27, 1840.

[c] A. L. S.

[d] Bee's secret correspondent was doubtless A. S. Wright. See Bee to Lipscomb, April 30, 1840, note b. Amory's old acquaintance was Juan N. Leplicher. Both the copies are dated November 17, 1840. Amory's letter to Lipscomb giving a sketch of Leplicher has the same date as the despatch. The two copies and Amory's letter will all be published with the Mexican correspondence.

Gales and Seaton Editors of the National Intelligencer, with a request [that] they would publish as much of its contents, as time and space allowed, considering the contents highly interesting and proper to be disseminated through that respectable Journal.

I am not yet in possession of the Box of Pamphlets and Public documents called for by myself before leaving Austin *in December last*, but I have a letter from the collector of Galveston saying that said box, and one for the Austrian Legation (sent by my request) were shipped per Brig Reaper, which vessel I notice has arrived at Baltimore. Col Bee will be here in a few days in company with Mr. Calhoun.

I furnish you with the following extract from a letter of Mr Radcliff consul at New York, dated 26th Inst. "I did not receive a line "from either of the Loan Commission by any of the last Steamers, "you probably have seen a piece in the Courier and Enquirer of "yesterday, the substance of which was furnished by Doctr Mc-"Cauley of Baltimore. It states that Doctr McCauley said, Genl "Hamilton the evening previous to his leaving London, informed "him that he had concluded a Treaty of recognition with Lord Pal-"merston, which would have come out in the Western, had there been "time to engross and execute it, and that one of the provisions of it "was that England should lend her aid and influence to obtain the "recognition of Mexico. Dr. M. states that Lord Palmerston Genl "Hamilton and himself were *the only persons* in London, who knew "any thing of what had been done. This information comes through "a respectable source, and seems to be entitled to credence, yet it is to "me very singular, that we should get it in such a way" I hope to have something more important to communicate shortly after Col Bees arrival

Respectfully Your Obt. Servt. N Amory
Secy of Legation

Wagner to Flood.[a]

Flood to Lipscomb.[b]

Legation of the U. S.
Republic of Texas
December 12th 1840

Sir:

I herewith enclose you the copy of a letter written by a citizen of the United States, and respectfully request you to say whether the

[a] December 8, 1840. See Flood to Lipscomb, December 12, 1840.

[b] For this letter and the enclosure, see Records of the Department of State (Texas), Book 41, p. 448.

courtesy of the Republic of Texas, extended to Nations with whom she has official intercourse will authorize a surrender of the person reffered to in the communication, for the offences charged against him.

With sentiments of high respect, I have the honor to be, Very Respectively, Your Obt. Servt.

GEO. H. FLOOD.

To the Hon. ABNER S LIPSCOMB
Secry of State etc. etc.

HOUSTON TEXAS
8th Decemr. 1840

SIR: I take the liberty to enclose the within letters begging you to forward each one to its respective address, and at the same time to apprize you that William McQueen late Postmaster of New Orleans is now in prison in this city on a charge of fraudulently absconding from his creditors in Louisiana. I have in my possession a certified copy of an indictment found against him by the Grand Jury for the United States Court, also a warrant to arrest him, issued by said Court, with authorization to act as Deputy Marshall of said Court. I likewise expect to receive in a short time a certified copy of an indictment found against him by the grand jury of the State of Louisiana, for having feloniously carried away twelve negroes mortgaged to secure debts due by him. My object in addressing you Sir, is to know whether the Government will surrender him on the exhibition of these documents, and if not, what other documents will be necessary.

I omitted to state above that the indictment in the United states Court charges him with being a defaulter under the Sub Treasury act. I crave your excuse for the hurried manner in which I write, which I cannot easily avoid, as it is late at night, the mail starts early tomorrow morning, and I have just heard that he is about to escape by giving bail.

I respectfully request your attention to this matter, and as earlier an answer as may be convenient

I am Dear Sir,
Your most humble Servant
(Signed) PETER K. WAGNER

To the Hon Mr. FLOOD
Chargé d'affaires of U. S.

Bee to Forsyth.[a]

Bee to Lipscomb.[b]

Dispatch No. 60 [c]

Legation of Texas
Washington December 16th 1840

Sir,

I reached here a few days since, and finding my instructions pressing, concluded to commence a correspondence with Mr Forsyth Sec'y of State of the United States on the subject of Indian relations, and of Genl. Hendersons arrest, altho' on the former subject I do not feel myself so well prepared with proofs, facts, and information as would be desirable, but I trust the matter most important, referred to in Dispatch No. 58 viz the correspondence between the Govt. of Texas and the Representative of that of the United States in Texas, will soon be received.

The cause of my considering an appeal to the Govt. of the United States unadvisable in the case of Genl Hendersons arrest, will be found in the accompanying extracts from writers on international law—but the additional instructions from my Government being still to the effect to demand satisfaction, I have done so, as will be seen in the subjoined copy of a despatch to Mr Forsyth the reply to which when received will be immediately communicated to my Government.

(Extracts from Writings on international Law.)

Wheaton is of opinion that the exemptions privileges and immunities appertaining to ministers in the country to which accredited, does not apply in a country through which passing, and in that opinion he is sustained by the following Authors to whom he refers:

Vattel says

Indeed that Prince to whom the minister is sent is under a particular obligation that he shall enjoy all the rights which are annexed to his

[a] December 14, 1840. See Bee to Lipscomb, December 16, 1840.

[b] L. S.

[c] From this despatch forward the originals of the correspondence with Washington, D. C., are missing, with one exception, until Amory to Jones, January 4, 1842, is reached. The exception is Bee to Roberts, July 13, 1841. The remaining letters that belong to this period have been copied from the Records of the Department of State. Those having numbers recorded are Amory to Mayfield, April 14, 1841 (64); same to same, April 20 (66); same to same, May 20 (68); same to same, May 31 (69); same to same, June 12 (70); Amory to Roberts, October 12 (74). The proper number for Amory to Mayfield, March 7, 1841, as shown by the reference contained in Amory to Jones, January 15, 1842, is 62; and that for Amory to Jones, January 4, 1842, as shown by the statement in Amory to Jones, January 8, is 75. Between Nos. 60 and 74, including neither, are thirteen numbers to be distributed among fifteen dispatches; but the proper distribution is uncertain.

character, but those through whose country he passes, owe him an entire safety, to arrest him and offer violence to him would be hurting the right of embassy.

Bynerdhock,[a] condemns a decision of the Court of Holland MDCXLIV and MDCLIX That if Ambassadors are out of the power of the Government where residing, it does not except second class ministers, nor any other than of eminent dignity, par excellence called Ambassadors—for he says, are not all ministers equally under the protection of the Sovereign, what matter is it if for economy or other reason, an inferior minister be sent? and then goes on to say, how can a judge act in case where the individual is not subject or under his control etc etc.

Rutherforts Institute[b]

says that exemption from civil suit depends upon the Ambassador having been received by the Govt. to whom accredited, as this is a tacit acknowledgment that he is under the jurisdiction of the Country from whence sent, unless the contrary be agreed upon between them. Therefore the exemption does not apply in passing through another country either going or coming.

Wards Law of Nations

Says that Vattel is the only author who attempts to carry the point of exemption of Ambassadors in the Country to which they are not accredited and cites *numerous authorities* to the contrary.

De Flassan

Says that the French in 1772, from the Court of Versailles issued the following circular to the Diplomatic Corps, after obliging Baron Wreck[c] the Minister from Hesse Cassel to pay his debts:

A minister may be obliged to comply with contracts made before a Notary, and their goods may be seized—and again, A minister cannot avail himself of special privileges to avoid paying his debts, he can be summoned in a legal manner to pay his debts, citing numerous instances of arrest for debt, and adding, the most moderate opinion is to abstain as far as possible from all acts which might be termed indecent towards a minister, but he can be prohibited to leave the Country until his debts are paid.

The United States

have passed a law exempting those ministers accredited to her from suit, but only those accredited to her.

[a] Bynkershock (?). [b] Rutherforth, Institutes of Natural Law.
[c] Baron von Wrech.

England

in the time of Queen Anne passed a law to the same effect as that of the United States, after a Russian minister had been arrested and complaints from his Government received

The passage of a special act fortifies the position of the opposite side, showing that its passage was necessary because the Law of Nations did not fully recognise the principle.

And all this refers to resident ministers. One of the strongest points in our favor is the decision of the court which set him free. This I shall receive in a day or two from New York having previously obtained a Book containing it which was forwarded by Mr. Amory to the Government.

Respectfully Your Obt Servt.

BARNARD E BEE

(Copy.)

LEGATION OF TEXAS
Washington, December 14 1840

To the
Hon. JOHN FORSYTH *Sec of State of the United States*

[a] * * * * * * *

The undersigned takes this occasion to advert to an occurrence which has been allowed to pass some time without comment by this Legation, owing to a delay in the receipt of additional instructions called for from the Government of Texas, in the case to be submitted, occasioned by some irregularity of conveyance.

The occurrence alluded to is the arrest of Genl. Henderson, Texan Minister to the Court of France, in New York, on his return to Texas in the latter part of the year 1839, at the suit of Mr Timothy T Kissam and Messrs. Holbrook & Co, on account of a responsibility incurred by endorsement; from which his Ambassadorial character should have protected him in passing through the country of a friendly power. The manner of the arrest was rude and uncorteous in a high degree, the first intimation he received of the claim was from the sheriff, who proceeded to his apartments and arrested him in the most unceremonious manner, altho he exhibited his Commission as Minister to France, and protested against the arrest as an insult to Texas, and a violation of her ambassadorial rights. General Henderson was subjected to a delay of several days before he was liberated by a decision of the Court, and his feelings were violated by indecorous language touching his Country by Mr Kissam one of the Plaintiffs. The case was tried before the Superior Court of the City of New York

[a] For the part here omitted, see *U. S. Pub. Docs.*, 660, Doc. 14, pp. 51–55, where the date of the letter is given as December 15.

Timothy S.[a] Kissam vs J P Henderson—Lowell Holbrook, Thomas C. Nelson, and Wm E Shepard, vs the same D. Lord Esq and Mr Buller his partner witnesses to the arrest.

It is hoped that the United States Government which has ever wisely proved itself jealous of its own rights will feel the necessity of instituting prosecution against its Citizens who have been so far forgetful of their obligations as to violate the most salutary rules of international decorum and of universal polity, which rules contribute so much to the conservation of national harmony by affording a free passage to the messengers of peace and reconciliation.

The undersigned Chargé d' Affaires of the Republic [of] Texas takes the present occasion to offer to Mr Forsyth Sec'y of State of the United States the assurance of his high consideration.

BARNARD E BEE

Hon. JOHN FORSYTH
Sec'y of State of the United States.

PORTER TO BURNET.[b]

CITY OF AUSTIN *Jan. 2nd 1841*

To His Excellency
DAVID G. BURNETT
Dear Sir

As one of the Representatives of this Republic, I consider it my duty to communicate to your Excellency, as the Chief Magistrate of the same, intelligence of the violation of the jurisdiction of the Republic, committed in the county, which I have the honour, in part, to represent, by one of the functionaries of a neighbouring Republic. By letters which I have just received, I am informed that the Marshall of the State of Arkansas (one of the United States of the North) has recently visited the county of Red River in this Republic, and by virtue of a writ of *fieri facias* issued from the Federal Court of the United States for the District of Arkansas, seized upon and took into his possession as Marshall, some [c] negroes, which were in the quiet posession and were the property of one of the citizens of this Republic. This outrage upon the laws of the Republic and the rights of our citizens was perpetrated I learn, by a person named Ferguson, acting in the capacity of Deputy to the Marshall of the State of Arkansas, and was committed in the county of Red River, at least fifty miles west and south of the farthest line, to which the United States have ever laid claim. The people of the

[a] Cf. the second initial as given above in this paragraph. The original has been followed in both cases.
[b] A. L. S.
[c] This blank was probably intended to be filled with the number of negroes.

neighbourhood in which this outrage was committed, remonstrated with the author of it, and peaceably requested him to desist from his unwarranted proceedure; he, however, refused to comply, and declared his determination to carry the property into Arkansas, upon which they forcibly wrested the negros from his posession. The officer then left the county threatening to return at the head of *ten thousand men* and reclaim the property.

I deemed it my duty as a citizen and one of the Representatives of the county, in which this attempt was made, to outrage individual rights and violate the national jurisdiction, to inform your Excellency of the facts of the case so far as they have come to my knowledge.

Believing that such flagrant acts of violence by foreign functionaries, will not be tolerated by the constituted authorities of this Republic, and having the highest confidence in the zeal, discretion and Energy of the present Chief Magistrate, I have

the honour to be Your Excellency's

Most Obt. Sert.

WM. N. PORTER.

BEE TO LIPSCOMB.[a]

WASHINGTON [CITY,] *Jany 12th 1841.*

Hon. A S. LIPSCOMB

Secy. of State of the Republic of Texas.

SIR: I wrote you by one of the officers attached to the commission for running the line—So that it will be February before they commence operations. (I send by him as far as New Orleans) the Bond of Mr Dexter Consul at Boston, which has been some time in our possession, the Treaty with England must have put you all in fine Spirits—the Loan is the next prize, and I think the Steamer due in about a week, will bring Mr Burnly richly laden for Texas. The newspapers tell all we know in relation to the next cabinet. The Navy Department has been urged upon Mr Preston, but he prefers his seat in the Senate.

I have made a valuable purchase for Texas, upwards of one hundred volumes of the Journals of the House of Commons, State papers etc, and Mr Preston insists upon presenting an admirable edition of State trials. This will form the Neuclus of a congressional Library highly desirable. The Books are rare, and I could not withstand the temptation, poor as we all are. They are carefully Boxed, and will be forwarded to the care of the Collector at Galveston as early as practicable.

[a] See Records of the Department of State (Texas), Book 41, p. 461.

Judge Webb, I find failed to be chosen Chief Justice by two votes—as he desired it, I regret his failure. But in a pecuniary point of view his practice is more valuable than the office for which he was a candidate.

How is Gen Lamar, and what hopes of his recovery—my son writes me, he feared there were none. Accompaning this are some valuable reports etc of Mr Teackle, a Gentleman who entertains hopes of one day becoming a citizen of Texas, and who Gen. John T Mason encouraged to remove, under the impression that his knowledge and experience as a statesman, might be highly useful in some public employment.

Believe me with great esteem
Yours Respectfully

BARNARD E BEE.

FORSYTH TO BEE.[a]

FLOOD TO WAPLES.[b]

LEGATION OF THE U. S.
Austin Jany 26th 1841.

The Acting Secretary of State of the Republic of Texas, will be pleased to send the undersigned Chargé d'affaires of the United States, a copy of the Treaty lately made and ratified between England and the Republic—as soon as it may suit his convenience.

The undersigned begs the Acting Secretary to accept the assurance of his kindest regard.

GEO. H FLOOD.

To JOSEPH WAPLES
Acting Secy of State
Republic of Texas

BEE TO LIPSCOMB.[c]

LEGATION OF TEXAS
Washington Jany 26th 1841.

SIR:

After much delay, Mr. Forsyth has made a reply (copy of which I subjoin) to my communication of 15th Decemr. and altho couched

[a] January 23, 1841. See Bee to Lipscomb, January 26, 1841.
[b] See Records of the Department of State (Texas), Book 41, p. 488.
[c] Ibid., p. 463.

in corteous language, yet leaving us precisely where we were. The United States think they scrupulously performed their duty and reiterate their orders to their agents to prevent tresspasses etc. I would have replied but as the administration is so near at an end, I have thought on the whole, we had better postpone it for the New administration, and should any infraction again occur, we can with great propriety, again recur to the subject, and press our views. You will see that in the case of General Henderson, Mr Forsyth thinks every satisfaction has been accorded, in the decision of the Court in his favor.

We look for Mr Burnley daily, who came out in the last Steam Ship at Boston. Gen Hamilton will not return until February.

Respectfully, Your Obt Servt.

BARNARD E. BEE.

Hon. ABNER S LIPSCOMB
Secy of State, Texas.

[Enclosed is Forsyth to Bee, January 23, 1841.[a]]

FLOOD TO WAPLES.[b]

LEGATION OF THE UNITED STATES
Tuesday Morning Feby 2nd 1841.

The undersigned, most respectfully requests of the acting Secretary of State, a certified Copy of the Convention between the Kingdom of Great Britain and the Republic of Texas.

An early compliance with this request, will place the undersigned under renewed obligations to the Acting Secretary.

GEO. H FLOOD

To JOSEPH WAPLES Esqr.
Acting Secy. of State
of the Republic of Texas.

FLOOD TO WAPLES.[c]

LEGATION OF THE UNITED STATES
City of Austin Feby 1841

The undersigned regrets to say, he was disappointed in the failure of a compliance[d] he made to the Acting Secretary of State, for a cer-

[a] See Calendar.

[b] See Records of the Department of State (Texas), Book 41, p. 463.

[c] See Records of the Department of State (Texas), Book 41, p. 464. The date cannot be completed with certainty, but the letter is copied in the records between that of February 2, which precedes, and that of the 12th, which follows it here.

[d] Evidently meaning application.

tified copy of the conventional Treaty between the Kingdom of Great Britain and the Republic of Texas.

The undersigned is led to believe, that the interest of his country is involved in the stipulations of England and Texas, and he can see no reason, after a confirmation by the Senate and an approval of the Executive, why the Treaty should remain in quietude.

The undersigned renews his request to the Acting Secretary of State, for a copy of the conventional Treaty alluded to—and hopes he can obtain it by the universal and acknowledged comity of Nations.

The undersigned most respectfully requests the Acting Secretary of State, to accept the assurances of the continued regard and high esteem of the chargé d'affaires of the United States, to the Republic of Texas, and who, with sentiments of great respect sustains himself

Very Respectfully, His Obt Servt

GEO H FLOOD

To JOSEPH WAPLES Esqr
Acting Sec'y of State
Republic of Texas

FLOOD TO BURNET.[a]

LEGATION OF THE U S.
Austin Feby 12th 1841.

SIR

I am instructed by His Excellency the President of the United States through the Department of State at the City of Washington to represent to Your Excellency, that William McQueen late Post Master of New Orleans has proved a defaulter to the Government of the United States and is now in Texas. A copy of the indictment found by the Grand Jurors of the Eastern District of Louisiana is herewith transmitted to Your Excellency

I am further instructed to say to your Excellency "that the Executive of the United States is not empowered to deliver criminals to foreign Governments in the absence of Treaty stipulations to that effect", but he is unofficially apprised of the willingness of the Government of Texas, to deliver McQueen into the hands of justice.

The Government of the United States feels a deep solicitude on this subject, and if your Excellency complies with this request, I am further instructed to say His Excellency the President of the United States will feel a due sense of the obligation. The undersigned cannot close this communication without expressing to His Excellency

[a] See Records of the Department of State (Texas), Book 41, pp. 464–465.

his wish for his happiness, personally—and the solicitude he feels for the perpetuity of the friendly relations existing between the Republic of Texas and the United States of North America. With sentiments of great consideration, the undersigned has the honor to subscribe himself

Very Respectfully GEO H FLOOD.

To His Excellency
DAVID G BURNET
President of the Republic of Texas

United States of America
Eastern District of Louisiana

Be it remembered that at a special session in and for the Eastern District of Louisiana, aforesaid, of the Circuit Court of the United States for the ninth judicial circuit on the twenty fourth day of November in the year of our Lord one thousand Eight hundred and forty by the oath of James L Bogart, John M Hawthorn, Joseph E. Whitall, John N. Lavillebeuve, Samuel Hermann, Junior, Hamilton M. Wright, Jacohim [a] Kohn, Samuel Locke, John Morgan Hall, Alexander Prieur Federick Durrive, William A. Gasquet, Peter Conrey Junior, George W. Huntington, Peter Laidlaw, grand jurors, good and lawful men of the District aforesaid now here sworn and charged to enquire for the body of said District it is presented in manner and form following, that is to say:

Eastern District of Louisiana vs. [William McQueen] The grand jurors, of the United States in and for the Eastern District of Louisiana, upon their oaths present that heretofore, to wit, after the fourth day of July, in the year of our Lord, one thousand eight hundred and forty,—and in the said month of July, in the year of our Lord, one thousand eight hundred and forty, within the said Eastern District of Louisiana, William McQueen was the lawful Postmaster at New Orleans of the United States of America aforesaid, and connected as said Postmaster with the Post office department of the said United States, and so being said Postmaster he the said McQueen did then and there convert to his own use, and did feloniously embezzle the sum of one thousand dollars the property of the said United States, then and there being in his official custody, and he then and there as such Postmaster being entrusted with the safe keeping thereof, contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the United States of America, aforesaid,—and the Grand jurors on their oath aforesaid do further present that heretofore to wit: on or about the fourth day of July in the Year of our Lord, one thousand eight hundred and forty, and in the month of

[a] Doubtless intended for Joachim.

August in the year of our Lord, one thousand eight hundred and forty, and on the fifth day of said month of August, within the said Eastern District of Louisiana, William McQueen was the lawful Postmaster at New Orleans, of the United States of America aforesaid, and connected as said Post Master with the Post office Department of said United States, and so being said Post Master, he the said McQueen did then and there Convert to his own use, and did feloniously embezzle the sum of One thousand dollars, the property of the said United States, then and there being in his official custody and he then and there as such Postmaster, being intrusted with the safe keeping thereof contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America aforesaid.

(Signed) THOMAS SLIDELL, *Atty of the United States for the Eastern District of Louisiana.*

"A True Bill," signed James S Bogart foreman. New Orleans Nov. 24th 1840

Endorsed—Filed Novr. 24th/40. Signed) Duncan N Henner Clerk. Clerks office, Circuit Court of the United States, ninth circuit, Eastern District of Louisiana.

I do hereby Certify the foregoing to be a true Copy of the Original on file in this office

Witness my hand and the seal of said Court, at the City of New Orleans this sixteenth day of December 1840

(Signed) DUNCAN N HENNER, *Clk.*

FLOOD TO BURNET.[a]

LEGATION OF THE U S.
Austin February 14th 1841.

SIR:

On the 12th of the present Instant I had the honor to address to your Excellency a note embracing the contents of a despatch from his Excellency the President of the United States communicated to me though the Depat. of State at Washington, in relation to the surrender of William McQueen a fugitive from justice in the government of the United States and now in the Republic of Texas.

In my note to Your Excellency I expressed the deep apparent solicitude the Government of the United States felt on this subject and the unusual manner of communication would not fail to convince you of the fact.

[a] See Records of the Department of State (Texas), Book 41, p. 466.

In answer to my communication, I received a note, dated the 12th February from the "Department of State" and signed "J. S Mayfield."

I am not officially advised that "J. S Mayfield" is authorised to respond to a letter directed by me to his Excellency the President of the Republic of Texas—and I again renew the request I made to his Excellency in my note of the 12th Inst.

I again assure his Excellency of my earnest desire and deep solicitude for the continued friendly relations between the Republic of Texas and the Government of the United States of North America—and hope no small impediment will mar what is mutually advantageous.

With sentiments of the highest consideration I have the honor to be very Respectfully,

GEO H FLOOD

To His Excellency
DAVID G BURNET
President etc. etc.

BEE TO ARGAIZ.[a]

ARGAIZ TO BEE.[b]

AMORY TO SECRETARY OF STATE [MAYFIELD].[c]

LEGATION OF TEXAS
Washington March 7th 1841.

SIR:

From indisposition occasioned by exposure on the 4th of March last, the day of General Harrison's inauguration as President of the United States, Col Bee is incapacitated from writing at the moment, it therefore devolves upon me to communicate some matters of interest.

[Next are given copies of two notes from Webster to Bee, one announcing Webster's appointment as Secretary of State, and the other informing Bee that the President would receive the diplomatic body on Tuesday, March 9, at 2 o'clock.]

Col James Love of Galveston wrote to Col Bee a short time since, desiring him to propose to the Spanish Government, though the resident Minister here the formation of a commercial Treaty with Texas, and assuring Col Bee that the Government of Texas would

[a] February 27, 1841. See Amory to Secretary of State of Texas, March 7. 1841.
[b] March 3. 1841. See Amory to Secretary of State of Texas, March 7, 1841.
[c] See Records of the Department of State of (Texas), Book 41, pp. 490–492.

sanction the step, and empower him or some other individual in season for the reply from the Spanish Government as negociator on the part of Texas. In consequence of which, Col Bee sought an interview with Chevalier d'Argaiz, and obtained the promise of a reply to any communication he might address him upon the subject of his wishes, which led to the following notes here copied, and the one in Spanish translated by myself, and in view of which it is hoped measures will be promptly taken by the Government of Texas that the case requires.

LEGATION OF TEXAS .

Washington Feby 27th 1841.

The undersigned, Chargé d'Affaires of the Republic of Texas, near the Government of the United States, with a view of promoting the interests of the country he represents, begs leave to propose through the Chevalier d'Argaiz Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty the Queen of Spain, also near the Government of the United States, the negotiation by the latters Government of the Independence of the former and the formation of a general Treaty of Amity and Commerce between the two nations, having for its especial object the establishment of a direct trade with Cuba, and other of Her Majesty's possessions in the West Indies contigious to Texas, for the exchange of the commodities and productions of the two countries on a liberal footing mutually beneficial, so that Spain may also be a participant in the benefits enjoyed already by several of the Nations of Europe, from the adoption of a course similar to that now proposed.

The mules, Horses, cattle, Beef, cotton Etc. abounding in Texas, would meet with a ready sale in Cuba, while the coffee, Sugar, cigars, Tobaco fruit Etc, of Cuba could be furnished Texas at reduced rates, to the extent probably of her entire wants, now supplied principally through the United States, after being imported into that country from various others, and in addition to the present wants of Texas proper. The Santa fé trade now flowing through St. Louis Missouri United States, will be diverted to the Ports of Texas a cheaper more direct and expeditious route, towards the speedy accomplishment of which object, the introduction of goods direct from Cuba will in no small degree contribute.

A natural bond of Union and sympathy between Texas and Cuba is found in the great dependence of both countries through their entire extent upon slave labor, both regarding with extreme regret, the spirit of fanaticism abroad in certain portions of the world ready to despoil by the manumission of slaves, without indemnity to the holder, honest citizens of the right guaranteed to them by the laws under which they live.

As regards the place for the negotiation of a Treaty, should it meet the views of the Spanish Government, the undersigned would propose Washington, and the persons to negotiate be the representatives of the two nations here.

The undersigned begging the Chevalier d'Argaiz will submit these views to his Government, and obtain as early as possible its decision, offers the assurance of his high consideration.

(signed) Barnard E Bee.

To the Chevalier d'Argaiz
Envoy Etry and Min Plen.
of Her C. M. the
Queen of Spain.

B. E. Bee, etc. Washington [City],
3rd March 1840.

(Translation.)

The undersigned Envoy Extraordinary and Minister Plenipotentiary of Her Catholic Majesty near the Government of the United States has the honor to acknowledge receipt of the note which under date of the 27th of February last, the chargé of the Republic of Texas near the Government of the U. S. directed to him proposing through the intervention of the Undersigned the recognition on the part of Her Catholic Majesty of the Independence of the Republic and the formation of a general Treaty of Amity and Commerce between the two nations to have for [its] principal object the establishment of a direct trade with cuba, and other of Her Catholic Majesty's possessions in the West Indies contiguous to Texas, for the exchange of the productions of both countries upon a liberal footing mutually beneficial.

The undersigned will transmit to his Government this communication and also a copy of it to the Captain General of Cuba, in order that he may without loss of time inform the Government respecting the advantages to be afforded by a direct trade between the Island and the Republic of Texas.

The undersigned will be most happy to be able to give the Chargé of Texas a favorable answer, and assures him that whatever his Government may resolve upon the subject, shall be communicated without delay of a moment.

The undersigned avails of this occasion to offer to Mr. Bee the assurance of his high consderation

A. Argaiz

I have to acknowledge receipt of a communication directed to myself of 5th Jany. 1841, enclosing two drafts in my favor one for

1000$, and the other 1376$,—on the Commissioners for the $5000,000 Loan, contents of the letter were duly noted.

A late private letter from Gen Hamilton to Col Bee dated Paris Feby 1st 1841, has the following.

But for the news from Texas I should probably have had a million on its way before I left London. But I will soon succeed if the Congress of Texas does not work too industriously in every possible mode, what credit the country may have left in Europe.

We await a reply to the several communications on Indian matters Gen Hendersons arest Etc.

Very Respectfully
Your Obt. Servant.

N. Amory.

To Hon. Secretary of State.

Robertson to Mayfield.[a]

Bee to Webster.[b]

Bee to Secretary of State [Mayfield].[c]

Legation of Texas.
Washington April 12th 1841.

Sir:

I have now the honor to acknowledge the receipt of your despatch of 17th Feby last,[d] which has been in hand some days without reply owing to the sickness and death of the President of the United States precluding my addressing a communication to this Government on the subject of the conduct of Furgeson complained of so promptly as I should otherwise have done, and wishing when I replied to yours to advise you of having done so, which I am now enabled to do, and copy of which is as follows:

"Legation of Texas
Washington April 12th 1841

(Mr Bee to Mr Webster)

"The undersigned chargé d'affaires of the Republic of Texas has "now to call the attention of Mr Webster, Secretary of State of the "United States to an unjustifiable act of one Furgeson a Deputy

[a] April 7, 1841. See Amory to Webster, May 19, 1841, in Amory to Mayfield, May 20, 1841.
[b] April 12, 1841. See Bee to Secretary of State of Texas of same date.
[c] See Records of the Department of State (Texas), Book 41, p. 493.
[d] This despatch has not been found.

"Marshall of the State of Arkansas (a state of the United States) "who under a writ of fieri facias issued from the federal court of "the United States for the District of Arkansas, seized upon and "took in keeping some negroes in quiet possession and the property "of a citizen of Texas, at a place in the county of Red River Texas, "fifty miles west and south of the farthest limit to which the United "States has ever claimed Jurisdiction, refusing to release them upon "the peaceable remonstrance of the people of the Neighbourhood, "and when forced to yield them up, uttering threats that he would "return with a force of ten thousand men to regain the property.

"The undersigned hopes therefore that the Government of the "United States, will loose no time in taking steps to prevent any "further outrage on the part of this officer, and to investigate fully "the circumstances of that complained of, with a view to the punish- "ment of the offender, if found guilty as represented of encroach- "ment upon the territorial jurisdiction of Texas."

The undersigned takes this occasion to offer to Mr Webster Secretary of State of the United States assurances of his high consideration.

I am glad to observe, that the Government of Texas feels the necessity of entering upon the negotiation of a Treaty with the United States for more clearly defining, and establishing obligations on the part of both nations relative to Indian affaires, and for regulating commerce and other matters.

I shall avail of the earliest opportunity, to suggest to the Secretary of State of the United States as you instruct, that authority be given to the Chargé or Minister of his Government in Texas to negotiate the Treaty with you, and shall advise you without delay of his reply.

In regard to the arrest of Gen Henderson you direct me "to continue to represent the matter to this Government in conformity with former instructions under date of August 1840, signifying an unwillingness to create a difficulty with the United States on the Subject," but wish she should be made aware that the Government of Texas would deprecate the recurrence of a similar outrage.

The reply of Mr Forsyth of 23rd January 1841 to my strenious remonstrance of the 15th December previous, is to be considered in the light of an acknowledgement of error, which the interposition of the laws corrected, establishing the principle we contend for, and obviating the danger by a "recurrence of a similar outrage". This reply of Mr Forsyth does not appear to have been received at the date of your despatch, and which seems to me, should put at rest farther correspondence on the subject, if however a different view be entertained by my Government, you will apprise me.

The five consular commissions forwarded by Mr Waples Acting Secretary of State of Texas, 29th Jany 1841 were duly sent to the Secretary of State of the United States for Exequaturs, which owing to the events of the last month the Department have not found time and opportunity to prepare, these I shall doubtless receive in a few days, and will then immediately forward them to their respective destinations; I shall also observe the instructions of Mr Waples which accompanied the commissions relative to supplying the individuals appointed with books.

As it may be days or possibly weeks before I get Mr Websters reply, to the note (copy of which is subjoined) I shall not detain this despatch for the purpose of adding it, but will write again when I receive it, and communicate its contents.

I remain Respectfully
Your Obt. Servt

BARNARD E BEE

Hon. SECRETARY OF STATE.

WEBSTER TO BEE.[a]

AMORY TO MAYFIELD.[b]

(Despatch No. 64.)

LEGATION OF TEXAS
Washington, April 14th 1841.

SIR

We have never been informed, whether you have in possession the decision of the court of New York in the case of the arrest of Gen Henderson. It was sent you by myself many months since, but may not have reached you, in which case or in the event of your not having obtained it from some other source, I now give an extract, being the conclusion of the report of said decision, Viz.

"Mr Lord informed the court that in making a motion to set "aside the capias, it was not the intention of General Henderson to "bring any action against the plaintiff"

This I conceive has an important bearing upon the question of the expediency of urging further application upon the United States for redress.

Col Bee has left for Pendleton on a visit to his family, before leaving he waited upon Mr Tyler the President of the United States who received him with great kindness avowing the most friendly sentiments for Texas.

[a] April 13, 1841. See Amory to Mayfield, April 19, 1841.
[b] See Records of the Department of State (Texas), Book 41, p. 494.

He also waited upon Mr Webster Secretary of State of the United States who exhibited great interest for Texas, and a desire to promote her welfare in every way consistent with his duty, requesting that Col Bee as well as myself (who Col Bee informed him would attend to affairs in his absence) should visit him frequently. I reply to Col Bee's suggestions that a Treaty between the two countries (of a character described in your despatch) should be negotiated in Texas, he said he would reflect upon it, but thought that the Secretary of War as well as himself would prefer it should be done here. I shall renew the discussion with Mr Webster the first opportunity and get his views more plainly.

Col Rodgers, who distinguished himself in the battle of Plum-Creek in Texas is now here he has had much experience in Indian affairs of the United States, and was supposed at one time, to have been thought of by President Harrison for Indian commissioner he is devoted to Texas, and always ready to render any assistance, his advice might be of service in forming a Treaty on that portion relating to Indians. Genl Hamilton will probably be here shortly, and could also be consulted in case the Treaty were form[ed] here, and for which I prepared him in a letter written yesterday.

Very Respectfully Your Obt Servt

N. Amory
Secy of Legation

Hon. Jas S. Mayfield
Secy of State of Texas.

Webster to Bee.[a]

Amory to Mayfield.[b]

Legation of Texas
Washington April 19th 1841.

Sir:

Since writing on the 12th Inst. I have received two notes from Mr. Webster, one, on the Subject of Ferguson's conduct, the other relative to consular appointments, copies of which are as follows.–

Department of State.
Washington [City,] April 13th, 1841.

The undersigned has the honor to acknowledge the receipt of the note of the 12th Inst from Mr Bee Chargé d'affaires of the Republic

[a] April 15, 1841. See Amory to Mayfield, April 19, 1841.
[b] See Records of the Department of State (Texas), Book 41, p. 495.

of Texas, relating to the conduct of "one Ferguson", Deputy Marshall of the United States for the District of Arkansas in entering the territory of Texas, seizing and taking into keeping some negroes, the property of a citizen of that country. The undersigned hastens to assure Mr Bee that an immediate investigation shall be made into the affair and steps taken, without delay, to prevent any and all encroachments upon the territory of Texas by officers of the United States.

The undersigned embraces this occasion to tender to Mr Bee renewed assurances of his great consideration.

DANL. WEBSTER.

DEPARTMENT OF STATE
Washington [City,] 15th April 1841.

SIR

I have the honor to acknowledge the receipt of your communication of the 2nd. Inst. The Exequatur therein requested in behalf of Francis Gurney Smith as consul of the Republic of Texas for the port of Philidelphia, and John C[a] Brower, for the Port of New York, are herewith transmitted, and the commissions of those gentlemen returned.

The President however deeming it expedient under existing circumstances to avail himself of the discretion reserved by the 28th article of the Treaty with Mexico in relation to this subject, has determined to suspend the issuing of Exequaturs to consuls of the Republic of Texas, for Detroit and Cincinnati, which are also requested in your note.

I have the honor to be, Sir, with great consideration
Your Obt. Servt.

DAN'L. WEBSTER.

P. S. The Exequatur requested for Moses Patton as consul of Texas for Bangor is also herewith communicated and his commission returned.

I have not yet had an interview with Mr Webster, but presume I shall be enabled to see him tomorrow and have some conversation relative to a Treaty, also enquire the reasons for withholding Exequaturs for Detroit Michigan, and Cincinnati, Ohio, which I take to be, that in the opinion of the President the exigences of trade do not make these appointments necessary. The Exequatur and Commission for Mr. Smith, Philidelphia, for Mr Brower New York, and for Mr Patton Bangor, have been forwarded, with some general sug-

[a] This initial should be H.

gestions, and the proper steps taken to place them in possession of the laws.

The question is sometimes asked the Legation, what is the substance of the provision of an act passed 5th February/40 which provision was repealed the last winter, relative to fees and consular certificates, my newspapers do not contain it, the laws of the two last sessions have not reached me in any other way than partially through the papers, and I am unable to answer such inquiry. You will thus perceive the great need we have of the laws passed 1840 and 41. When enabled to do so please send one volume of each, by some expeditious and safe mode, and let a box follow by sea to supply consulates etc.

I am very Respectfully
Your Obt Servt.

NATH. AMORY
Secy of Leagation

Hon. JAMES S MAYFIELD
Secy. of State of the Republic of Texas.

MAYFIELD TO BEE.[a]

AMORY TO MAYFIELD.[b]

LEGATION OF TEXAS
Washington 23rd April 1841

SIR,

I have had the honor to receive your despatch of the 22nd Ultimo, apprising us of the re-establishment of Gen. Lamar's health and that he had resumed the duties of President of Texas.[c] The accounts which had reached us of his critical condition at the time of retiring from office caused great solicitude, and, the unexpected inteligence of his restoration so soon to health, affords us the liveliest gratification.

Therein you recur to the subject of the negotiation of a Treaty with the United States alluded to in your previous despatch, the suggestions relative thereto in both have been carefully noted.

This morning I obtained an interview with Mr. Webster Secretary of State of the United States, and enquired why the exequatur's for

[a] April 20, 1841 (extract). See Van Zandt to Jones, January 20, 1843. Enclosures in letters dated later than December 30, 1842, will be found in the *Annual Report of the American Historical Association for 1908*, Vol. II.

[b] See Records of the Department of State (Texas), Book 41, pp. 496–498.

[c] This despatch has not been found.

Consul at Cincinnati and Detroit were not isued, to which he replied that certainly they were very unnecessary at those places, and that it was not advisable to extend the benefit of such exemptions and privileges as the office of Consul confered, without circumstances made the appointment necessary, to this I yielded feeling the force of the objection.

I then informed Mr Webster that my Government were desirious of concluding a Treaty with the United States as speedily as possible, some subjects remaining unadjusted touching Indian relations between the two countries which could by this means be definitely settled, for instance it could make provisions for intruding Indians of the United States, to be removed and permanently provided for among their kindred tribes in the United States, in comparison with whom in point of numbers these who claimed some rights in virtue of a long residence in Texas were quite insignificant—but that their numbers were frequently augmented by reinforcements from the United States whose ingress at the time is difficult of detection, and not easily susceptible of proof as to the date of their arrival, thus making it of great importance that without distinction all should be removed to the United States and afford no pretext for abuses of the kind in future, and I added that indeed not any of them had really acquired a right of settlement, in not having complied with the condition annexed to the permission to occupy certain portions of Territory given by authorities of Mexico and Texas. He expressed himself deficient in information on this subject, and I refered him to the correspondence which had taken place between the two Governments and particularly to our despatch of 16th December last, to which he promised at my earnest request to give his attentive consideration when he should have a little leisure, in order to come to an equitable decision upon the merits of the case.

As regards the place for the Negotiation, he seemed quite decided as to the inexpediency of allowing it to be conducted in Texas. and asked me if I supposed Mr Flood would be authorized to negotiate on the part of his Government. I replied that I understood some other individual had been selected to take the place of Mr Flood, naming as the person Judge Eve, of Kentucky. To this he merely answered that no appointment had been made, without seeming willing to assist me in my speculations upon the probabilities or possibilities as to whom might be sent, although acknowledging it was not unlikely a change would take place.

As regards making provisions in the Treaty, that slaves as body Servants, should be allowed to accompany their masters to the United States, he said, that could not be made a treaty stipulation, as the laws of some of the states of the United States, absolutely prohibited it, and in others it was already allowed, consequently in the latter

case unnecessary to provide for. I observed that the right of introduction of Slaves as Servants from Texas into the Slave-holding States of the United States had been disputed, and we wished the question Settled. I could not cite any instance of an empediment having occured, and should be glad to be provided with information of any which may be within your knowledge.

In case Col Bee should under special instructions be authorized to negotiate this Treaty, the Government of Texas would of course take the treaty between Mexico and the United States, as well as those made by Texas with France, England, Belguim and Holland and point out if any, the objectionable features of them, so that so much of the unobjectionable portion of said Treaties, should in Spirit and intention be embraced, as the United States might agree to. The French and Belgian Treaty we have not in possession, we have only the Netherlands and England with Texas, and the United States with Mexico, therefore would beg the favor that these may be furnished me.

As regards Indian relations, I should suppose that the United States ought and would consent that upon the expulsion or voluntary withdrawal of those American Indians from our territory who have at various times found their way into it provide for them a place among the numerous tribes collected from all parts of the United States in Arkansas, and thereafter really restrain by a competent force stationed at proper points along the frontier, all Indians belonging within their limits from passing into Texas, under any pretence, unless with the permission of the authorities of Texas. In pointing out the object desirable to be obtained in the formation of a Treaty, it would of course be expedient to designate any which would be considered indispensible, and any which might be waived if found impracticable of attainment after due exertion had been used to induce the United States to accede to our wishes.

For instance, it is certainly in the power of that Government to urge many reasons why the Indians we wish to return upon their hands should not be received or acknowledged by them as their Indians, and the question would arise in case of absolute refusal to concur with us in our views of the matter, whether it would be considered sufficient objection to the consumation of a Treaty embracing general subjects.

It would certainly be desirable to procure us more exact information as to the number of tribes and each tribe of the Indians refered to, the date of their entering Texas whether each tribe came in a body, or whether they came in small parties at different times. We would wish to know all the acts and doings of the authorities of Texas and Mexico towards strengthening or weakening their claims to be considered Indians of Texas, with reference to the proof of all

such doings and acts,—also as to where these Indians are at present, and what is their disposition with regard to Texas, and in regard to remaining, and what their views of their own rights, how many and what tribes would remove peaceably, and which would have to be coerced,—and again in case force were necessary, whether a direct application to the Government of the United States to furnish a force to co-operate with the force of Texas within the boundary of the latter, to compel their removal would be expedient.

So far as we are informed about these Indians the Cherokees fled from Arkansas under Bowle [a] in 1822 after he had been lynched, and one of the tribe Capt Richard, made an agreement 8th Novr '22 with the provincial authorities of Bexar that he should be allowed to proceed with five men to the City of Mexico, to obtain permission of Iturbide the Emperor to allow himself and tribe to settle in Texas. Whether he accomplished his visit, or how it resulted we do not know.

In 1827 the citizens of Eastern Texas petitioned General Bustamente against the North American Indian requesting they might be expelled, in 1832, when first any allusions were made to these Indians by the Mexican laws in decree 190, Laws Coahuila and Texas. Col Piedras, was appointed Commissioner to put the Indians in possession of land, who did so with regard to [the] Shawnees and Cherokees, for which, and other acts of oppression, he and his garrison were driven out of Nacogdoches, and the Revolution of Texas may be said to have commenced at that time.

The possessory right granted the Indians by Mexico was on condition of Military service to be rendered to Mexico, and of becoming catholic's, both which they failed to do, but rather sided with Edwards in the Fredonian war. At the time of the Treaty made between Mexico and the United States, in 1831, the said possessory right had not yet been accorded the Indians by Mexico. The Treaty of the consultation of 1835, with the Cherokees and their associate bands 12 in number was not ratified by the constitution made by the convention in 1836. The constitution merely says, *all laws* not inconsistent with the constitution are ratified, and in another part of the constitution Indians and Negroes are excluded from the rights of citizens as follows,—"All persons [(]Africans the decendants of Africans and Indians excepted) who were["] etc ["]shall be considered["] etc. if the Indians have derived any rights from the Treaty, these they forfieted by no[n]compliance with the part of the agreement to be friendly etc. It is true, a bill passed last Congress, with provisions for the sale of the Cherokee lands, but not as lands ever owned by them out right, but lands to which they had a conditional claim.

[a] Bowl.

The Treaty should I suppose stipulate for the exemption of Ministers from arrest, and that the same privileges granted ambassadors etc. of and acknowledged by either nation, should be extended to those of either nation passing through the territory of the other, on their way to or from another country to which they may have been accredited.

I have taken steps to procure the De Onis correspondence for Judge Webb of Mexico, and hope to be successful, if so shall send it as directed.

I have just received a letter from Genl. Hamilton dated Paris March 29th/41, wherein he says that he will write particularly by the Great Western to sail on the 8th of April relative to his negotiations, and that he will leave for the United States the 25th May, he sends a plan of a national Bank for Texas, by John Horseley Palmer formerly President of the Bank of England with a request we should publish it in the inteligencer and forward a copy (with a letter he will write by the Great Western) to Texas, one copy I shall immediately send to the Intelligencer, and another forward to Texas, when I receive by the western Gen Hamiltons letter.

Genl Hamilton wishes to know if the interests of the Mr Dawson's Bonds was paid, please answer this question promptly, as he says he would not have it paid twice. He also says, I hope the Government of Texas. will send me the commission of Minister to Great Britain, with the ratification of the treaties, as I wish to be presented to the Queen before I leave, as Minister and arrange every thing for the mission.

Most Respectfully
Your Obt. Servt

NATHL AMORY
Secy of Legation

Hon JAS S MAYFIELD
Secy of State of Texas.

AMORY TO MAYFIELD.[a]

Despatch No. 66.

LEGATION OF TEXAS
Washington April 30th 1841.

JAMES S MAYFIELD Esqr
Secretary of the State of Texas.

SIR:

I have the pleasure to inform you that I succeeded in obtaining in a book of about 400 pages the correspondence of Don De Onis and John Q Adams relative to the Treaty of 1819 of the United States

[a] See Records of the Department of State (Texas), Book 41, p. 499.

with Spain, which I directed to Judge Webb Minister etc of Texas to Mexico, with a letter from myself, and placed the package under a second envelope franked by Mr Webster Secretary of State, to Mr Bryan Consul for Texas New Orleans with a note, requesting him to send it carefully to some House in Vera Cruz to be sent by safe private conveyance to Judge Webb.

The Military laws of the United States, for the War Department of Texas, I have this day sent franked in the same way. The Naval Laws of the United States for the Naval Department of Texas, I shall send shortly, when published.

I received nothing from Genl Hamilton by the Great Western arrived the 23rd Inst at New York, although he promised to write by her, but I received a second letter from him by the same Boston Packet, which brought his letter spoken of in my despatch to you 22nd Inst,[a] in this second letter he countermanded his previous instructions to cause to be printed in the National Intelligencer of Washington, the plan of Mr John Horsely Palmer of a National Bank for Texas, and requesting he would do nothing with it until he could send some important additions contemplated to be made by Mr. Palmer.

Very Respectfully
Your Obt. Servt

NATHL AMORY.
Secy of Legation.

ROSELIUS TO WHITE.[b]

WHITE TO SECRETARY OF STATE [WEBSTER].[c]

AMORY TO WEBSTER.[d]

AMORY TO MAYFIELD.[e]

(Despatch No 68)

LEGATION OF TEXAS
Washington May 20th 1841

SIR:

I have the honor to acknowledge rece[i]pt of your communications of 20th 24th and 26th April last,[f] with accompanying copies of correspondence with Mr. Saligny French Chargé d'affaires, and commis-

[a] Doubtless an error for the 23d: for Amory's despatch of this date mentions the letter from Hamilton, and none dated the 22d has been found.

[b] May 15, 1841. See Eve to Secretary of State [Mayfield], July 31, 1841.

[c] Undated in the copy on record, but written probably soon after May 15, 1841. See Eve to Secretary of State [Mayfield], July 31, 1841.

[d] May 19, 1841. See Amory to Mayfield, May 20, 1841.

[e] See Records of the Department of State (Texas), Book 41, pp. 510–512.

[f] Of these, there has been found only one extract from the first named, q. v.

sion for Alexander McGuffy as Consul at Cincinnati Ohio, for which, as the United States have refused to acknowledge at that Post, I shall take no steps to obtain an exequatur until further instructed.

On receipt of these various despatches and documents, I immediately wrote to Genl Hamilton acquainting him with the situation of affairs between Mr Saligny and the Government of Texas, refering him to Mr McIntosh, Chargé d'affaires of Texas, who I informed him had been furnished with all the correspondence and to which he could of course have access. I also in accordance with your direction notified him that the congress of Texas would be convened for the middle of June, the letter I sent by a Sail Packet just ready from New York, no Steam Ship offering for a fortnight after.

From the masterly manner in which the Saligny correspondence was conducted on the part of Texas, as well as her adoption of every possible means to afford satisfaction to the Representative of France,—I feel confident that no unpleasant consequences can result, to disturb the harmony or interrupt the friendly relations so happily subsisting between the two nations, and at the present time extending through the exertions of General Hamilton as negotiator; although I must confess before receiving this—truly satisfactory exposition of the affair, I had experienced serious apprehensions, that the efforts making to obtain the guaranty of France to the Loan would be rendered abortive through this important altercation and the anticipated benefits lost to the country; but so palpably wrong and injudicious has been the conduct of Mr Saligny, that I cannot for a moment doubt that it will receive the condemnation of his government.

With due difference [a] for your opinion as to the proper construction to be placed upon that part of the Treaty of 1831 between Mexico and the United States, which says "that the Indians of one nation shall be prevented from making incursions into the Territory of the other", and which you say means "incursions whether peaceable or not". I would respectfully suggest, that I do not conceive that the word "incursions" can be applied to peaceable immigrations; but only to inroads for the purpose of plundering or depredating; but these peaceable immigrations may be considered as having become incursions by subsequent ill conduct, and the United States was bound to restrain their Indians by force from all hostilities etc. within the boundaries of Texas (in the words of the Treaty) "so that the United States of America will not permit their Indians to attack the citizens of the United Mexican States."

In your next despatch you will doubtless enumerate the Indians which you consider the United States are bound to provide for, and the kind of provision, and interference which you may consider necessary and right on her part, of course not exacting more than

[a] Deference.

strict justice and Treaty stipulations will justify in order that an appeal be successful.

I happened to have learned from undoubted authority that Judge Eve has just signified his acceptance of the appointment of Chargé to Texas, this please consider private information.

Herewith I furnish copy of a Communication addressed by myself to Mr. Webster Secretary of State of the United States on his return to this city yesterday.

LEGATION OF TEXAS
Washington 19th May 1841.

SIR

[Next is given a transcript of the letter referred to, part of which along with its enclosure, a copy of Robertson to Mayfield, April 7, 1841, has already been published[a]. The unpublished part of the letter follows:]

The undersigned is instructed to inform the Secretary of State of the United States, that his Government is desirous of concluding a Treaty of amity, navigation, and commerce between the Two nations (if agreeable to the United States to be negotiated in Texas) in which it is hoped all existing doubts and difficulties can be provided against. In anticipation of this event the undersigned is instructed formally to announce to the Government of the United States as he now does, the resolution of that of Texas to terminate the treaty of 5th of April 1831 between the United States and Mexico, so far as it is binding upon Texas and the United States in all matters relating to commerce and navigation, as soon after the present date, as is compatible with the provisions of Article 34th of said Treaty.

The undersigned begs leave to offer to Mr Webster Secretary of State of the United States the assurance of his respecful consideration.

NATHANIEL AMORY.

Hon DANL. WEBSTER
Secrtary of State etc etc.

So soon as I shall receive Mr Webster's reply I will communicate it.

Most Respectfully
Your Obt Servt.

N. AMORY.

Hon JAMES S. MAYFIELD
Secretary of State, Texas.

[a] See Calendar.

AMORY TO MAYFIELD.[a]

(Despatch No 69.) LEGATION OF TEXAS
Washington May 31st 1841.

Hon. JAMES S MAYFIELD, *Secretary of State of Texas.*

SIR:

I have the honor to acknowledge receipt on yesterday of your favor of Galveston 17th May transmitting despatches for Mr McIntosh Chargé in France, directing me to forward them, together with the correspondence between Mr Saligny and the Government of Texas, previously sent me, on the subject of the former's altercation with Mr Bullock.

I immediately wrote to both General Hamilton and Mr McIntosh (copies of which letters, as well as a former one to General Hamilton of May 15th/41 I annex) forwarding to the latter the documents above refered to. Had your despatch arrived one day sooner, it would have enabled me to have availed of the Steam Packet from Boston of 1st of June, as it was I had to send Gen. Hamilton's by the Ship South America from New York to Liverpool of 1st June, and Mr Mc.Intosh's despatch by the New York and Havre Packet Charles Carrol of the 1st June, which I concluded to be the best course after consulting with the Post master here, and which I am glad I pursued in reference to the Chargés despatch of France, as I find the French Minister adopted the same mode of forwarding a bulky package to his Government. This I conclude must have been from Mr Saligny as the ordinary despatches of the French Legation would of course have gone the day before to Boston or the Steam Ship from that port as the most expeditious mode of conveyance. Therefore I am greatly in hope, Mr Saligny has not got the advantages of us in the last despatch in point of time.

I do not know how you forwarded the Saligny correspondence up to the time of nonintercourse between him and the Government of Texas; but I fear it went by the Steam Ship Brittania from Boston 16th May, and which having got on the rocks at Halifax, had to be repaired, causing delay: the extent of which I am not apprised. Should this prove to have been the case the duplicate sent by your direction in the mode before named, will be quite opportune and may afford relief from serious embarrassment. I should have copied the whole correspondence from first to last, as it is important it should be preserved in the Archives of the Legation here; but I had only a few hours to prepare my despatches for Europe, not to loose the first opportunity, consequently could not take copies. I would therefore ask to be furnished with another written copy at your convenience,

[a] For this and the copies annexed see Records of the Department of State (Texas), Book 41, pp. 513–515.

unless congress should order the printing of the whole, in which case I beg you will send me a number of printed sets.

Very Respectfully
Your Obt Servt

N. AMORY
Secy of Legation

P. S. I sent a few days since a small box of Congressional Documents for the Secy of State of Texas, care of the Collector Galveston—to Baltimore to be shiped per first vessel.

[It appears from the Records above cited that following this letter were transcribed Amory to Hamilton, May 15, 1841; Amory to McIntosh, undated, but doubtless written May 30, 1841; and Amory to Hamilton, May 30, 1841.[a]]

FOWLER TO WEBSTER.[b]

HENRIE TO AMORY.[c]

AMORY TO MAYFIELD.[d]

(Despatch No. 70)

LEGATION OF TEXAS
Washington June 12th 1841

Hon JAMES S MAYFIELD
Sec'y of State etc.

SIR:

I attended a Diplomatic dinner at the Presidents on the 8th inst. (Col Bee then, as now, at West Point) and I improved the opportunity to say quite briefly to Mr Crittenden, that it was very much desired by Texas, that the Treaty should be negotiated there, and that I wished he would communicate with Mr Webster on the subject. I asked him if Judge Eve would shortly be here on his way to Texas, to which he replied, he thought he would.

Col Bee will be here in a day or two. Mr Edward Gibbon Blakefield of whom mention is made in the Austin City Gazette of May 19th is now here, but will not visit Texas until fall. He had intended to have given a lecture in this place on the subject of emigration and the disposal of public lands: but the extreme heat of the weather and absorbing topics under discussion in congress held him

[a] All these will be published with the French correspondence.
[b] June 11, 1841. See Bee to Roberts, July 13, 1841.
[c] June 12, 1841. See Bee to Roberts, July 13, 1841.
[d] See Records of the Department of State (Texas), Book 41, p. 515.

to believe that it would be difficult at this moment to gain attention. And his projects are as I tell him much better adapted to Texas, wishing by all means to gain population from abroad, than this country, which is suffering already many evils from the great influx of European population. Mr Webster has not yet replied to my communication of the 19th ult. Col Bee will call upon him in a day or two.

Respectfully
Your Obt Servt

N AMORY
Sec'y of Legation

WEBSTER TO BEE.[a]

BEE TO WEBSTER.[b]

BEE TO ROBERTS.[c]

WASHINGTON [CITY,] *July 13, 1841.*

To the SECRETARY OF STATE
OF TEXAS.

Sir

I send you Mr. Websters reply to my communication of the 12th April, remonstrating at the violation of our Territory by a Deputy Marshal (Ferguson) of the State of Arkansas. You will perceive the act is palliated under the belief that the writ was served *within* the jurisdiction of that State. The boundary is ere this ascertained, so that infractions of this kind will not in future find their excuse in uncertainty. The matter has do doubt passed off;—but Mr. Webster's letter is a proof of his prompt attention to our remonstrances. I also send you extracts of a letter from Cincinnati,[d] with a copy of mine to the Secretary of State of the United States, pointing out the necessity of the recognition of a Consul for Texas, at that place. I think it more than probable the President will issue [an] Exequatur; and I am glad to find that Mr McGuffy the person appointed after the death of Mr Drake is so highly spoken of. The writer of the letter Mr Henrie is known to Mr Amory.

[a] July 3, 1841. See Bee to Roberts, July 13, 1841.
[b] July 9, 1841. See Bee to Roberts, July 13, 1841.
[c] L. S.
[d] The files indicate that the original was enclosed, and not a selection of extracts copied from it. See Henrie to Amory, June 12, 1841.

We are entitled to a reply, to a communication from this Legation of the 19th May relative to Indian encroachments. Mr Webster assures me he only waits for information from the War Department to act. Mr Bell excuses himself, by referring to the constant attention required of him to subjects connected with the present session of Congress. He said, he had however so far acted in the matter as to prevent farther trespasses: and intended placing a full regiment on the frontier to prevent future encroachments.

I told him our object was partially attained in having awakened the attention of this Government to the justice of our requests.

The papers announce the rejection of Judge Webb at Vera Cruz, which disappoints public expectation here as it was supposed his reception would have been prepared by our Government through the previous mediation of the British [Minister] resident at Mexico. I had no letter from Genl. Hamilton by the last Steamer [(the] Brittania): a passenger Lieut Pinkney of the United States Navy informs me that he understood Genl H. had left Paris for Germany, I presume to close his Treaty.

If it suited our present condition to make Mexico *feel* our power, the proposition of Genl. Arista would be very important:—but, an alliance with that people is not desirable while they remain so ignorant of the moral principle which actuates our Country men in their republicanism. If we can bring them in among us by degrees, as we desire to do with those of Santa Fe, they will gradually improve by association, and finally be valuable accessories: but the motives upon their part must be of a higher character than those which are prompted by military leaders.

The success of the Santa Fe expedition is desirable in a social as well as a national point of view, as the peaceable consent of the Mexican settlers within that portion of our territory to unite with us as integrants of our people, will add much to our agricultural population as well as strengthen the Republic in that remote section of its possessions.

I have kept my letter open for a few days, supposing Mr Webster would reply to my note in relation to our Consul for Cincinnati, but he has not answered it.

July 16—Your communication of the 21 June, is just received and the subject of which it treats will be attended to without delay. I have had the matter of that despatch constantly in mind, and in personal interviews with the Secretary of State of the United States at appropriate times have never failed to advert to it. In this way a more detailed and satisfactory understanding can be obtained than in the formality attendant upon written despatches, and when the whole ground of expectation on the part of the Govermt of the United States is brought out, I shall advise you of the result. In the mean

time by way of giving this a more official appearance of our desire to have an early termination of the question, I shall address the Secretary of State of the United States a note on the subject in a very few days.

The views taken by some of the papers in Texas in regard to the Loan contracted for by Genl Hamilton with Messrs Lafitte & Co. may probably embarrass its successful conclusion.

Some of the writers discuss the measure as incongruous with the law itself, contending that the prospectus of the loan permits the Bonds to be used in payment of duties and for the purchase of Lands while the Statute is silent as to any such liability or purposes. The authority to pledge five millions of acres of the public domain in support of this negotiation is repudiated, and the Agency of the Bankers is attempted to be placed in a doubtful position by questioning whether they have themselves assumed the Loan, or are merely making an experiment as Agents at the risk and hazard of Texas.

These things it is true constitute proper subjects for enquiry in a strict sense of political economy but in the delicate condition in which our Country is placed as regards the means of rescue from present embarrassment and the ensuring of future strength it would perhaps be more patriotic as well as wiser in our citizens if they would yield up the licence of hypercritical objections for the more pressing demands of present necessity. I trust there will be no disappointment either as to the completion of the Loan in France or the approbation of its terms at home

I have the honor to be
Very Respectfully
Your Obt Servt.

BARNARD E. BEE.

I send you Mr. Websters note assenting to the issuing an Exequatur.

SAM'L. A. ROBERTS Esq.
Acting Sec'y of State.

Copy.

Mr Fowler to Mr Webster.

OFFICE OF THE ATTO. U. S. FOR THE DIST. OF ARK.
Little Rock June 11, 1841.

SIR,

Since the receipt of your communication of the 17th. of April, last, relative to an alleged transgression upon the sovereignty of Texas by Ferguson, a Deputy Marshal of this District, I have made use of such means as are within my reach for requiring the information sought.

I have not been enabled to see any thing bearing the semblance of authority, which defines the boundaries of "the County of Red River in Texas", but from the best information, derived from gentlemen of the highest standing in that part of Arkansas, I feel confident in the suggestion that every portion of the Texian County of Red River is included within the limits of Miller County in this State, over which the local authorities here formerly exercised the undisputed jurisdiction, and would have continued to do so had our State Executive possessed energy of character.

Elijah Ferguson was a Deputy Marshal in this District, and I find from the records of the District Court, and his official return, that on the 10th. day of December A D 1840, being charged with the execution of a *fieri facias* in favour of the United States, against John H. Fowler, a defaulting Post Master, he levied it on personal property of said Fowler, in Miller County, within this District, on what he (Ferguson) terms the disputed ground, where defendant then resided, which property was wrested from his possession, after [being] levied on, by force of arms".[a] This, I infer, is the aggression complained of; but no names but that of Ferguson, who resides near the Texian border, having been furnished by the Department, I can at present give no further information on the subject.

As to any action upon this matter, with the lights at present before me, I shall await the instructions of the Department.

I am Sir, very respectfully
Your Obt Servt.

(signed) A. Fowler
Dist. Attorney.

Hon. Danl Webster
Secy of State
Washington.

Department of State
Washington [City], 3d. July 1841.

The Undersigned Secretary of State of the United States has the honor to communicate to Mr. Bee, Chargé d'Affaires of Texas a copy of a letter which has just been received at this Department from Absalom Fowler, Esquire, the Attorney of the United States for the District of Arkansas, from which it appears that the judicial process the execution whereof within the supposed limits of Texas by one Ferguson, a Deputy Marshal of Arkansas, formed the subject of complaint in the note of Mr Bee to the undersigned of the 12th of April, last, was, in point of fact, served at a spot which there was

[a] It is not clear where the marks to indicate the beginning of this quotation should be inserted.

reason to believe was, pursuant to the second article of the Convention upon the subject of the Boundary, sufficiently within the limits of the State of Arkansas, to exculpate the officer referred to from wilfully trespassing upon the Territory of Texas.

The undersigned avails himself of this occasion to offer Mr Bee renewed assurances of his great consideration

signed, Danl Webster

To Barnard E. Bee, Esquire
etc etc etc

Copy

LEGATION OF TEXAS
July 9th 1841

Mr Bee has the honor of calling Mr Webster['s] attention to the accompanying extract [a] of a letter from Cincinnati. It will perhaps satisfy the Secy of State of the United States that a Consul at that place is important—and Mr Bee supposes the knowledge of that fact will be sufficient to induce Mr Webster to direct the issue of an Exequatur. After the death of Mr Benjamin Drake Alexr. H. McGuffy was named as Consul for Texas at Cincinnati.

[Henrie to Amory.[b]]

CINCINNATI *June 12th. 1841*

DEAR SIR

Your letter directed to my worthy friend Benjamin Drake, (who is no more) was put in my hands by his brother yesterday, in which you say the President has decided it is not necessary to have a Consul at this place. I am truly happy, that it is to you, I have the pleasure of writing on this subject. It is not to be expected the President could know the facts before they are honestly communicated to him. You know it was from this place (or New Port, which is on the oposite side of the river) Capt. Shareman [c] and his company migrated to texas, and large contracts were made in this place, (including part of Kentucky and Indiana) to furnish and support those brave men who immortalized themselves on the plains of Sanjacinto, and put an end to the war in Texas with Mexico, in consequence of which hundreds have become interested in texas, who now are put to the greatest inconvenience and trouble, by not having some person, who is authorized to take depositions, acknowledgments of deeds and conveyances which are not admited to record in Texas without. Since the death of my esteemed friend Benjamin Drake, I saw a notice of an appointment (Consul in this place) Alexander

[a] See Bee to Roberts, July 13, 1841, in which this was inclosed, note d.
[b] A. L. S. See Bee to Roberts, July 13, 1841, in which this was enclosed, note d.
[c] Sherman.

H. McGuffey Esqr. I hope the President will not delay his assent. McGuffey is highly esteemed as an honest man, a good Lawyar, and understands the Spanish language. A number of persons are now awaiting to perfect their titles, so soon as he is legally authorized to do business.

Write me soon, and accept the high regard and esteem of your
Sincere friend,

ARTHUR HENRIE.

[Endorsed:]
DEAR COL
Please attend to and answer this

N A[a]

BOSTON.

DEPARTMENT OF STATE,
Washington [City], 15th July, 1841.

Mr. Webster presents his respects to Mr Bee and, acknowledging the receipt of Mr. Bee's note of the 9th instant which, with its enclosure, has been duly considered, has the honor to state that upon the presentation of the commission of Mr Mc Guffy in the usual form, an Exequatur shall be issued to him as Consul of Texas at Cincinnati.

To BARNARD E. BEE, Esquire,
etc etc etc

WEBSTER TO BEE.[b]

BEE TO ROBERTS.[c]

BEE TO WEBSTER.[d]

EVE TO THE SECRETARY OF STATE OF TEXAS [J. S. MAYFIELD.][e]

LEGATION OF THE UNITED STATES
Galviston Texas July 31st. 1841

To The
Honorable the SECRETARY OF STATE
OF THE REPUBLIC OF TEXAS

Sir

I have the honour to transmit to you for your inspection, and consideration, a coppy of a letter from C Roselius to the Hon. E D

[a] Nathaniel Amory.
[b] July 15, 1841. See Bee to Roberts, July 13, 1841, postscript.
[c] July 16, 1841. Part of the letter begun July 13.
[d] July 27, 1841. See Bee to the Secretary of State [Roberts], July 31, 1841.
[e] A. L. S.

White and a coppy of mr. Whites letter, to the Hon. Daniel Webster Secretary of State of the United States; Requesting a demand by the Goverment of the United States, upon the Goverment of Texas; for the surrender of Moro Phillips, charged with having stollen two slaves from the State of Louisiana and having fled with them to the Republic of Texas. I also transmit a coppy of an Indictment, properly certified; as found by one of the Criminal courts for the State of Louisiana.

In the absence of a treaty stipulation with the two Goverments, upon the subject of fugitives from justice I am aware, that the surrender of Phillips cannot be claimed as a matter of right; It has however been understood, and believed, in the United States, that the Goverment of Texas, from feelings of comity which exist between the two Republicks; would not be disinclined to surrender to the proper authorities fugitives from justice from the United States. I am therefore instructed by the Goverment of the United States, to request through you, that the Goverment of Texas surrender the Said Moro Phillips to the proper authorities of Louisiana. As the Goverment of the United States may feel some interest in some of the stipulations in the treaty lately entered into between the Goverment of France and the Republic of Texas; may I ask the favour of the honourable the Secretary of State of Texas; to transmit to the undersigned a coppy of the said treaty.

I have the honour to subscribe myself

Your Obedient Servant

JOSEPH EVE

(Copy[a])

NEW ORLEANS,
15th. May 1841.

Hon E D. WHITE etc.

Dear Sir:

In the month of August 1839, an individual by the name of Moro Philips, stole two slaves belonging to Mrs. Thompson, the wife of Col. William Thompson; and as usual in such cases, he went to Texas with them. An indictment was found against Philips some time afterwards. Mrs. Thompson then sent an agent to Texas, for the purpose of arresting the offender; but, as might have been expected, the Texan Government refused to interfere in the matter, unless a demand for the surrender of Philips was made by the Chargé d'affaires of the United States.

It appears from what I can learn, that the Texan Government surrenders all fugitives from justice, when a proper application is made.

[a] For this and the following letter, see Records of the Department of State (Texas), Book 41, p. 532.

Whether the Government of the United States will instruct its Chargé d'affaires to make the demand, I do not know. Under these circumstances, you must excuse me for troubling you on this subject, and to request you to ascertain and inform me whether the Government would be willing to take any steps in this matter. It is of the greatest importance that something should be done if possible, to put a stop to the perpetrations of a crime of the most serious consequence to the citizens of this State. I enclose a duly attested copy of the indictment and a memorandum of instructions given to the agent of Mrs. Thompson by G H. Flood of Texas.

By attending to this business you will confer a favor on your friend and

Obedient Servt.

(Signed) C. Roselius.

(Copy)

Hon. the Secretary of State

Sir:

I am directed to submit to the Department the accompaning Indictment found in the Criminal Court of the first District of the State of Louisiana, against Moro Philips for stealing and conveying away two slaves, the property of Virginia W. Thompson, with which slaves the culprit has fled to Texas; and to require from the Government of the United States, a demand on that of Texas, for the surrender of the fugitive, and of the property stolen

The letter of Mr. Roselius, the attorney of Mrs Thompson, is herewith submitted.

Respectfully

(Signed) E D. White.

Note.—For copy of indictment accompanying letter of Mr. Eve, See file.[a]

Bee to the Secretary of State [Roberts].[b]

Legation of Texas

Washington City, July 31st. 1841.

To the Secretary of State

Texas

Sir:

I had the honor of addressing you on the 13th inst. accompanied by the reply of the Secretary of State of the United States to my remonstrance against the violation of our territory by a Deputy Marshall for the District of Arkansas. Since then a despatch from

[a] This copy has not been found.

[b] For this letter and the enclosure, see Records of the Department of State (Texas), Book 41, pp. 532–537.

the acting Secy of State of Texas under date of the 21st Inst has been received having reference principally to the contemplated treaty with the United States.

I have carefully considered the subjects of that communication in their various bearings upon the relations of the two countries and am prepared in my own mind after having examined the treaties heretofore made by us with England and with the King of the Netherlands to enter into a similar negotiation here, and only wait an intimation of a readiness from this Government in order to commence the arrangement.

I have repeatedly urged upon the Government here orally the necessity of making an early treaty as the articles relative to commerce and navigation between the two countries in the subsisting treaty between the United States and Mexico applicable to Texas will expire under the notification heretofore given to that end on the 19th May next.

As the present session of Congress in this city and the vexed question of territorial claim between the United States and Great Britain together with the incidental difficulties which grow out of the latter very probably engross the attention of the State Department for the present, the suggestion made by me in regard to a convention with Texas has not yet been acted on.

In order to impress that Department with a more certain understanding of the anxiety of Texas to bring that subject to an early conclusion, I addressed a communication to the Secretary of State of the United States on the 27th inst in relation to it, a copy of which is now sent to you.

There was one matter of interest to us which I think has been overlooked at home so far as I can judge by the absence of any intention [a] of it in the several despatches I have received, and that is, the necessity of having a right to land or warehouse our produce in ports or places of the United States upon the border Rivers free of duty, when the exclusive object of that landing is to tranship the property in American Vessels. If we do not stipulate for that privilege, our produce intended for distant markets and which passes down the Mississippi will be subject to the duty now prevailing by the Tariff of this country on similar produce coming into the United States from foreign ports, and this notwithstanding we may have the free navigation of that River, for unless we possess vessels of our own to become our own carriers |on| the atlantic, the act of unlading the produce to tranship in American bottoms would be construed into a commercial entry which would involve it in the penalties of the revenue law. This would be adding so much to the

[a] This must be the copyist's error for mention.

cost of our produce that in price we should be unequal competitors in foreign markets with the same articles produced in the United States.

You will see therefore that I have made the right of Entrepót one of the subjects of the intended treaty, and as the citizens of the United States who may want to extend their trade to Mexico through our boundaries, will have a similar advantage free of duty, I do not think it ought to be regarded by the United States as a concession asked without an equivalent.

I regret that I have not been furnished with copies of the Treaty made by our Government with that of France, so as to have enabled me in digesting a plan for my own conduct upon this topic to avoid any conflict either of stipulations or interest. In comparing the one made with the King of the Netherlands and that with England, I find some advantages in the former, not included in the other, and which I shall endeavor to incorporate in the one now to be negotiated. For instance the 6th article of the convention with England is rather onerous upon us as a young nation; with a small maratime commerce, for it requires that in order to give our vessels a national character, the Master and at least three fourths of the marines shall be naturalized citizens.

The Seventh Article of our treaty with the Netherlands on the contrary is of a character for liberality suited to our condition, for it provides that all Vessels of the Republic shall be treated as such, which are furnished by the competent authority with a passport or Sea Letter.

I do not anticipate any difficulty as respects the right upon the part of our citizens to navigate the Mississippi though it is true it is not a border River in a strictly geographical Sense, whatever it is in respect to being the nearest commercial outlet from our North eastern boundary; but if this Government should insist upon confining our trade as a domestic trade to the exact limits of the Republic, as they may be defined according to the existing Treaty, then our produce would be subject to foreign duties on the Red River, as soon as it passed the thirty Second degree of North latitude, for the egress through the Mississippi is not even constructively provided for in the Treaty, and the only appeal we could make for the right of transit, would be either by analogy to the regulations for navigating Rivers as laid down at the Congress of Vienna by the plenipotentiaries of eight of the European powers, or by shewing that the trade of the United States would gain as much in its intercourse with Mexico by freely passing the Sabine through our territory above the thirty second degree.

The amount of our position is this—that if the United States insist upon a strict construction of territorial limits, we cannot go down the Mississippi with our Vessels and produce without paying

both tonage duty and customs, unless we offer them what they may consider a fair consideration, or they are actuated by a liberal spirit in the encouragement of a new Republic, so closely allied to them in the principles of Government, and in the blood of her citizens as to make the interests of both nearly mutual. I encline to believe that on the first branch of this proposition, that Government would, upon examination see, that the fact of our having but few Vessels to transport our staples, would enable its citizens to become our carriers, and thereby open to the Seamen and Mechanic's of the United States a new source of employment without diminishing the demand of their own country. This in a technical political sense would be more than equivalent for our using their River as a mere highway of transportation. On the other Score, I believe the sympathy of kindred, and the intent of the two nations to advance the condition of both, with as much liberality as is consistent with the interests of each other, will actuate the United States as a commanding and powerful confederacy to give us as friends and neighbors that small boon even without the return of a mercenary profit.

I did not as you will see advert in my letter to the Secretary of State of the United States, to the subject of that part of your despatch which would provide for the granting by each Government to the citizens of the other, the free introduction of a limited number of Slaves when taken as Servants attendant on their owners, and not for hire or sale,—because independent of the exciting nature of the question of Slavery, whether as already existing or as a condition hereafter to be entirely repealed in this country, I do not believe the proposition would be entertained as a suitable feature of a Treaty.

The declaration of the allied powers, with two of whom England and France, we have now formed conventions, is so peremptory as to their united pledge for the abolition of the slave trade, that even a mere grant for the migration of Slaves from one foreign jurisdiction to another, though it would neither enlarge the severity of their condition, nor increase the actual number, would be looked upon with so much distrust and objection, that we might put our national interests in jeopardy, either with those by whom we have been recognized, or with others whose friendship we may hereafter invoke.

Besides this I observed that in the reply of the Minister of foreign affairs in Mexico, to the application of Mr Pakenham the British Minister Resident, who was interceding for the admission of Mr Webb as Minister from Texas, that Secretary took occasion to advert to the toleration and pretended encouragement of the slave trade

in Texas as one of the reasons, which on the score of humanity would induce Mexico not to treat with the separated colony. This of course is a declaration *ad captandum:* but as it is in unison with the better founded intentions of England on the same subject it would be wiser to omit it altogether, particularly as I believe the laws of the United States would prevent her from even entering upon such a discussion.

It is usual when a national representative near another Government is to be engaged in making a treaty, that he should be furnished with an authority for that purpose, as letters of power are reciprocally exhibited by the respective agents who negotiate. I will be glad therefore if you would send me such a letter as may be necessary.

I presume the Government of the United States will prefer concluding the Treaty here, and I will thank you to forward to me at the earliest convenience, such a convention drawn out in full form, as our Government is desirious of entering into. I have digested myself, in detail, which I think will embrace all the subjects that now concern, or are likely to effect us, in our relations with the United States for many years, but as this has been done rather as a speculative study to be compared with the system you may present, than as a plan to be acted upon here, I will not at present trouble you with its particulars.

Yesterday I received an interesting communication from Genl Hamilton under date of the 13th inst. part of the particulars of which I hastened to send you by this morning's mail. As the subject of which it treats arrising out of the controversy [of] our State Department with M Saligny the French Chargé d'affaires involves some delicate matters in which the United States and Great Britain are refered to as our friends I hope no publicity will be given either to Genl Hamilton's letter or what I write in relation to it.

As he advised that a conversation should be held with Mr Webster about the propriety of despatching the Florida Squadron to the Gulf of Mexico by way of making a reconnoissance of the movements of the French Naval vessels which may be sent there, I this morning had an interview with him and frankly communicated the contents of Genl Hamilton's letter. His reply was, that the American Ships at Florida should be ordered to make the necessary observations. Lord Palmerston having already taken steps to ascertain the cause of the armament of the French Vessels at Toulon, will no doubt make a shew of British force in the Gulf of Mexico if France offers to menace us, and it becomes us to preserve a strict silence in regard to the conduct of these two nations in our behalf, lest we compromit them with France.

Mr Webster assured me that there would be no difficulty in framing a treaty between us of a liberal character and highly satisfactory to Texas, but he declines positively, transfering the negotiation to Austin. His pressing engagements have prevented him thus far from attending to my repeated requests on this subject, and in all probability, judging from the business which seems to engross that Department he will not be able to take it up until after the close of congress.

I think from the general tenor of his remarks, that he will grant the new claim which I have urged for the right of free Entrepót, though he would not actually authorize me to communicate such a promise to my Government. You must therefore look upon the expectation of such a previlege as possible, though not certain.

I have the honor to be
Your Obt Servt

BARNARD E. BEE

LEGATION OF TEXAS
Washington City, July 27th 1841

To the Hon. DANIEL WEBSTER
Secretary of State of the United States

SIR: The undersigned Chargé d'affaires of Texas, has again the honor to call the attention of the Government of the United States to the desire of Texas to enter into a treaty of amity, commerce, and navigation with the United States, and to repeat what he has heretofore verbally expressed to you, the anxiety upon the part of Texas that this convention should be concluded at the earliest practicable day.

In the belief that this subject would be taken up for consideration by the Government of the United States as soon as Texas should manifest a direct determination as far as lay in her power to place the negotiation and commerce between the two countries upon a more certain and liberal basis than prevails under the existing treaty between the United States and Mexico, the Government of Texas through this Legation gave notice on the 19th May last, to the Secretary of State of the United States, of its intention to terminate the stipulations relating to " commerce and navigation " as far as the Treaty was binding upon Texas, as soon after the date of that notification as would be consistent with the provisions of the 24th article of the Treaty of the 5th April 1831.

The mutual interests of the two nations and the preservation of a harmonious entercourse of their respective citizens upon and near the conterminious limits of the several countries require an early adjustment of the terms of trade and navigation between them, as already, complaints have been made, and begin now to be frequent, of seizure and detentions by the authorities of the United States of the produce of Texas in its transit above and below Nacogdoches.

Besides the settlement of these vexations which may if continued exasperate the citizens of Texas against their offending Neighbors until private grievances will generate general hostilities along our opposite borders, the prevention of future aggressions such as heretofore committed by persons belonging to the United States upon the rights and property of the citizens of Texas, as well as upon her public domain, as already brought to the notice of the Government of the United States, make it a matter of great solicitude on the part of Texas that a treaty should be hastened with all possible despatch.

The subjects of the contemplated treaty will necessarilly from the proximity of the two countries and their corresponding interests be few in number, and embrace an equal reciprocity. As far as now considered to be adverted to, they would be comprised under the following heads.

First. The free navigation of the border Rivers, the Sabine and Red Rivers to the sea.

Second. The establishment of the right of Entrepót on the bordering Rivers, for the free transhipment to foreign places of the produce of each country from that of the other.

Third. The Indian Relations, and

Fourth. The commercial and maratime intercourse on and near the high seas.

There are minor points, such as those regulating the powers and privileges of Consular and Commercial Agents, the succession of citizens of either country dying *ab intestato* within the jurisdiction of the other and the administration upon the effects, which would be arranged with others that may occur, as incidental features in the convention

Having stated the material questions which the Government of Texas is desirous to settle between the two countries, I am instructed to propose to the Government of the United States that in order to facilitate that end, and ajust the treaty at the City of Washington, a programme of such a convention as the United States are willing to enter into, should be furnished to the Undersigned as the Representative of Texas.

If the Secretary of State of the United States, shall find any inconvenience in this course, and will be authorized to transfer the negotiation to Austin the Capital of Texas, the Government there will exhibit to the Representative of the United States near that Republic a plan of such a Treaty as will be satisfactory to that nation, and thus in either way bring the desired object to an early accomplishment.

The Undersigned takes this occasion to renew the assurances of his most respectful consideration

(Signed) BARNARD E. BEE

BEE TO SECRETARY OF STATE [ROBERTS].[a]

LEGATION OF TEXAS
Washington August 5th 1841.

The Hon SECRETARY OF STATE

SIR: Although in my late communication to you I did not deem it practicable to enter into Treaty stipulations relative to "body servants"—yet it is proper that I should say, Mr Webster thought it highly probable by my having an interview with the Attorney General such a construction could be put upon the law of 1807 (and believes) as would warrant an individual having his servant, as he could not conceive the law meant to do more than interdict the Slave trade. I have been very unwell and have not yet seen Mr Crittenden; but I have examined the law, and am satisfied that the only mode by which we can attain our object, and a very reasonable one,—is by getting a special act of Congress upon the subject; and I shall make it my duty to attend to it, tho' not at this session. I forward a communication from General Hamilton,—and I will add the conclusion of his letter to mine

"Continue to write to me, altho I have not the smallest doubt I "shall leave in September when I hope for a triumphant close of all "my labors"

I am with great esteem
Yours

BARNARD E. BEE

WOLF TO UPSHAW.[b]

EVE TO ROBERTS.[c]

LEGATION OF THE UNITED STATES
Galvaston August 30th 1841

The Honorable
SAMUEL A ROBERTS *acting Secretary of State of the Republic of Texas*

Sir

On last evening I had the honor of receiving your communication of the 17th Inst.[d] in answer to mine of the 31st July requesting the

[a] See Records of the Department of State (Texas), Book 41, p. 547.
[b] August 27, 1841. See Eve to Jones, December 20, 1841.
[c] A. L. S.
[d] Neither this letter, nor that of the 11th mentioned in the next paragraph, has been found.

surrender of Moro Phillips charged with having stolen two negroes in the State of Louisiana and having fled with them to The Republic of Texas.

I am also in the receipt of yours of the 11th. Inst. as well as a copy of the Treaty between the Goverment of France and Texas, which you have been kind enough to send me and for which I most sincerely thank you. Believing as I did that it would be the interest of the Goverment of Texas as well as the United States to surrender on all occasions fugitives from justice which might flee to either, I confess that it is with regret that I find his Excellency the President declines surrendering Moro Phillips

I had the more confidence in making the request from the knowledge; that upon a demand made this Goverment the 29th of January 1839 for Johnson Cook who had fled from the State of Mississippi and[a] was in conformity to the acknowledged rules of international law upon that subject Surrendered by the Goverment of Texas.

Accept assurances of my high reguard

JOSEPH EVE

UPSHAW TO ALLEN.[b]

LETTER FROM WESTPORT, MISSOURI.[c]

BELL TO WEBSTER.[d]

MEMORANDUM OF INTERVIEW BETWEEN WEBSTER AND AMORY.[e]

SYNOPSIS OF A PROPOSED TREATY BETWEEN THE UNITED STATES AND TEXAS.[f]

MEMORANDUM OF INTERVIEW BETWEEN AMORY AND CHIEF CLERK OF THE DEPARTMENT OF STATE.[g]

[a] The substitution of "he" for "and" would make the meaning clearer.
[b] August 31, 1841. See Eve to Jones, December 20, 1841.
[c] (Extract) September 11, 1841. See Amory to Roberts, October 12, 1841.
[d] September 11, 1841. See Amory to Roberts, October 12, 1841.
[e] September 14, 1841. The memorandum itself was dated September 15. See Amory to Roberts, October 12, 1841.
[f] September 15, 1841. See Amory to Roberts, October 12, 1841.
[g] September 20, 1841. See Amory to Roberts, October 12, 1841.

BEE TO BROWER.[a]

LEA TO WEBSTER.[b]

BROWER TO BEE.[c]

WEBSTER TO BEE.[d]

AMORY TO BROWER.[e]

AMORY TO WEBSTER.[f]

AMORY TO ROBERTS.[g]

Despatch No. 74.

LEGATION OF TEXAS
Washington Octr 12th 1841.

SIR:

Herewith, I have the honor to subjoin, copies of memorandum of conversations held at interviews with the Secretary of State of the United States relative to the formation of a Treaty. Copy of synopsis submitted to Mr Webster Secretary of State of the United States 15th September 1841, of a contemplated Treaty, copy of communication from the Acting Secretary of State of the United States of the 7th inst. submitting other communications from the Secretary of War of the United States upon Indian affairs, and of my answer thereto, also copies of letters to and from Mr. Brower Consul for Texas at New York, relative to Mexican Vessels of War building there.

It is natural that correspondence between the United States Charge in Texas, and the Government there, on the subject of Indian aggressions should have taken place, and as I wrote some time since, it is important to the legation to be in possession of a copy, as It would afford useful information.

[a] September 22, 1841. See Amory to Roberts, October 12, 1841.
[b] October 1, 1841. See Amory to Roberts, October 12, 1841.
[c] October 2, 1841. See Amory to Roberts, October 12, 1841.
[d] October 7, 1841. See Amory to Roberts, October 12, 1841.
[e] Undated, but written between the 2d and the 12th of October, 1841. See Amory to Roberts, October 12, 1841.
[f] October 12, 1841. See Amory to Roberts, October 12, 1841.
[g] See Records of the Department of State (Texas), Book 41, pp. 571–573.

It seems that on the spot, the facts of the alleged depredations by United States Indians, can be more readily proved to the satisfaction of the American Chargé there, than I have it in my power to do to that of the Government here, now that the United States has treated the statements so repeatedly offered on the subject by this legation as incorrect.

I have protested against the view of the question thus taken, and would humbly ask whether the course to be pursued now, is not to exhibit proof to the United States Chargé at Austin satisfactory to him on the subject of passed and present Indian encroachments, in order that the appeal to the Government for indemnity or interference may be successful.

I have to acknowledge receipt of your communication of 7th Ult in regard to the Treaty with the United States, the negroes of Mr Robertson etc etc. to which due attention will be paid on resuming the negotiation of the Treaty, and in pressing constantly upon the attention of the Government of the United States the subject of this and other claims.

I have the honor to be respectfully

Your Obt Servt NATHANIEL AMORY.

Hon. SAML. A. ROBERTS

etc etc.

Memorandum entered this 15th September 1841.

LEGATION OF TEXAS.

The Chargé d'affaires of this Legation having repeatedly since the date of the last official letter to the Secretary of State of the United States called his attention to conversations held and visits made expressly for the object to the early arrangement of a Treaty between the two countries had an interview with Mr Webster on the 14th inst, when he proposed to postpone the subject until his return from an intended visit to the north. The Chargé d'affaires of Texas urged the desire of his Government to bring this Treaty to a close at the earliest day possible, and requested the Secretary of State of the United States to take up the subject at once. no satisfactory promise having been given the following synopsis was presented by this Legation to Mr Webster on the 15th September 1841, and the anxiety of the Government of Texas to conclude the Treaty reiterated in all proper terms.

Upon the presentation of those points for a Treaty, the Chargé d'affaires of Texas was assured that the subject should receive the earliest convenient attention from the Department of State of the United States, and there the matter necessarily rests for the present.

Some of the points for a Treaty between Texas and the United States.

Article 1: On commerce and navigation. To be nearly the same as that in the Treaty between Texas and Great Britain, or as the 2nd Article of the convention between Texas and the Netherlands.

2nd. Artc: As regards what shall be considered Texas vessels to be like the 7th Article of the Treaty between Texas and the Netherlands.

3rd. Tonage duties the same on vessels of both countries as in the second Article of the Treaty with Great Britain. Insert provisions for calling upon justices of the Peace, Judges and courts for warrants and other process to apprehend deserters from the Commercial and Naval Service.

4th The flag to protect the ship and goods, and no right of search to be permitted under penalty of damages to be restored by the Government of the officer or officers offending.

Artic 5th Provide for right and obligation of convoy in case of mutual war with a third power, as provided for in the 20th article of the Treaty with the Netherlands, the free navigation by each party of the bordering or conterminous rivers and above and below the boundaries.

Artic: 7. The right of each party to land the products of its soil within the territory of the other free of all duty, when the same is intended to be and is actually shipped to any other country.

Artic: 8. To provide for the Indian relations as in the 23rd. Article of the Treaty between the United States and Mexico, and for removal of Indians from Texas.

Art: 9. Provisions for consular rights.

Art: 10. The right of succession and inheritance to the estates of deceased citizens dying ab intestato to be preserved as in the country of which they were subjects, tho' temporarily domiciled abroad.

Art: 11. The Treaty to continue for ten years

15th Septemr 1841.

Memorandum.

LEGATION OF TEXAS
20th Septr 1841.

This day the chief clerk of the State Department of the United States, called to inform the Chargé of this Legation that the synopsis which was left by him on the 15th inst, for the basis of a Treaty between the two countries had been examined by the Secretary of State; but that inasmuch as for the present, the duties of other Departments of the Government had temporarily devolved upon him, he had been unable to attend to it.

The Chief Clerk also informed the Chargé of Texas, that a letter had been received from the War Department on the subject of Indian

affairs as brought to the attention of the Government here by this Legation, and that an answer would be addressed to the charge d'affaires on that subject in the course of the week.

The chief clerk of the State Department further stated, that in relation to the intended Treaty, the Secretary of State would not be able to adjust it, until after his return from the North, so that nothing in all probability can be done before December.

[Next are transcribed Webster to Bee, October 7, 1841; Bell to Webster, September 11, 1841; Lea to Webster, October 1, 1841; extract of a letter from Westport, Missouri, September 11, 1841; Amory to Webster, October 12, 1841.[a]]

Mr Bee to Mr Brower.

LEGATION OF TEXAS
Washington Septemr 22nd 1841

To Mr JOHN H BROWER,
Consul for Texas etc etc

SIR: I am advised through a source to be entirely relied upon that Santa Anna of Mexico has despatched an agent from that country, Don Tomas Marin with $25,000 in gold to purchase and equip at New York two armed vessels.

The object as avowed for this purchase is to use the force against the federalist at and near Yucatan and Tobasco. As however it may be employed against Texas or her commerce, and at any rate it may in the opinion of our Government be necessary or useful to its interests to capture these vessels, you are hereby requested to observe the operations of that agent in this particular from time to time, and ascertain as near as may be, his public movements from place to place. He is now living at the Globe Hotel, New York.

You are also instructed to loose no time in communicating what you may learn about the actual equipment of such Vessels to the collector at Galveston, desiring him to apprize the Secretary of the Navy of Texas of the facts you may make known. You are further requested to advise this Legation of whatever transpires about the fitting out of said Vessels and the particulars as to their force and rolls of equipage. You will of course see the propriety of keeping the subject of this communication entirely private.

I have the honor to be etc.

(Signed) BARNARD E BEE

[a] For all, see Calendar.

Mr Brower to Mr Bee

CONSULATE OF TEXAS
New York, Octr 2nd 1841.

Hon BARNARD E BEE
Chargé d'affaires of Texas.

SIR:—Refering to my respects of 25th Ult. I have now to advise you that I yesterday visited several of our ship yards, and found at one of them the keels laid for two Brigs, and the frame being raised of one of them, which a workman with whom I casually conversed, said were intended for the Mexican Government; but I could not learn from him who the parties are contracting with the builders. You will readily perceive that I must prosecute my enquiries upon this subject with great caution, being extensively known, so that my curiosity shall not be identified with my official station. To avoid this, I must endeavour to procure some confidential aid to further the inquiry. It seems to me to be essential to know for whom these vessels are being built, and when and where the builders are to deliver them, for instance the contract may be to deliver them in Mexico, in which case they would probably clear from here with American papers, and an American Crew, and be american property until safe arrived at the port of destination, when the change of property and papers would occur. It seems to me this will most likely be the course.

I would be happy to have such further suggestions from you, as you may think useful in this matter. I think from mere casual observation, the vessels will be about 200 to 250 tons each.

I have the honor to be
Your Very Obt Servt

(Signed) I H. BROWER

Mr Amory to Mr Brower.

Mr JOHN BROWER
Consul for Texas etc.

SIR:—I have to acknowledge receipt of yours of 2nd Inst, in relation to vessels building for Mexico at New York. Your continued vigilance in the matter is strongly recommended; and that you keep the collector of Galveston apprised of the progress made in their construction etc. acquainting him, you do so by desire of this Legation

Respectfully your etc

N AMORY,
Secy of Legation

P S. Col Bee left here for Texas on the third inst.

SPENCER TO WEBSTER.[a]

EVE TO ROBERTS.[b]

[Relating to censure that Mr. Forsyth had incurred through the criminal conduct of Monroe Edwards, to whom he had given a letter of introduction for use in England at the request of Memucan Hunt. Enclosed is a copy of Hunt's note, dated May 22, 1838, asking for the letter.]

EVE TO JONES.[c]

[Enclosed are copies of the following: Wolf to Upshaw, August 27, 1841; Upshaw to Allen, August 31, 1841; and Spencer to Webster, October 16, 1841.]

JONES TO EVE.[d]

BROWER TO CURTIS.[e]

AMORY TO JONES.[f]

[Despatch No. 75.[g]]

LEGATION OF TEXAS
Washington Jan'y 4th 1841.[h]

HON. SECRETARY OF STATE OF TEXAS
SIR,

The disastrous result of the expedition to Santa Fé having been rendered by various information received, almost certain, I waited upon Mr Webster Secretary of State of the United States, to request the interposition of his Government in behalf of the unfortunate Prisoners which have fallen into the hands of the Mexicans. I urged

[a] October 16, 1841. See Eve to Jones, December 20, 1841.
[b] A. L. S., November 6, 1841.
[c] A. L. S., December 20, 1841. For the letter and enclosures, see Calendar.
[d] December 30, 1841. See Calendar.
[e] January 3, 1842. See Brower to "Legation [of Texas]," January 5, 1841, in Amory to Jones, January 8, 1842.
[f] A. L. S.
[g] See Amory to Jones, January 8, 1842.
[h] Should be 1842.

the propriety of dispatching an Agent expressly for the purpose of reclaiming such American citizens as had accompanied the expedition with pacific intentions (And no other views were as I understand entertained by any portion of the expedition so far as Santa Fé was concerned) and to try to influence Santa Ana to release also the residue of the Prisoners. The Secretary of State of the United States is about to send a Bearer of dispatches D. K. McRea Esq to the American Minister at Mexico instructing him (which instructions I was allowed to peruse) to procure the release of the Americans who travelled with the expedition and using the following language as regards Texas.—

"You will avail yourself of the opportunity of making to that Government the communication, to suggest that, while this Government is well disposed to maintain with strict fidelity amicable relations with the Mexican Republic, and will not attempt to screen from merited punishment any of our citizens who may be guilty of an infraction of the laws intended to preserve those relations, yet that summary, sanguinary or undue punishment of either Texans or citizens of the United States in Mexico, inevitably tends to excite and foment in this Country an acerbity of feeling against Mexico which will be much more apt to defeat the supposed objects of those punishments than if the offenders were to have a fair trial and, if then convicted were to be punished in some proportion to their offence. You will, however, make this suggestion in a conciliatory tone without allowing it to be supposed that this Government has any intention to dictate the policy to be adopted by that of the Mexican Republic upon this or any other subject but, supposing their disposition towards the United States to be amicable, our wish is merely to point out a way by which it seems to us that reciprocal disposition as well as the integrity of the Mexican Territory may be more effectually maintained. Accustomed ourselves to regular judicial proceedings, fair and full trials and mild punishments, the opposites of these if exercised by other Governments, always serve to check the growth of amity and good will."

Not content with this step I have continued to urge upon Mr Webster the propriety of sending a special Agent to intercede in behalf of the unfortunate prisoners, and have named H Morfit Esq as the fittest person for the purpose in my opinion, he having while making a reconnoisance of Texas in 1836, received from Santana and Almonte then prisoners, assurance of their gratitude and consideration, he being a gentleman also of great diplomatic ability, and energy and having privately assured me that he would labour hard for Texas in regard to the Prisoners or other matters. Mr Webster told me, it would afford him pleasure to bestow the ap-

pointment upon Mr Morfit provided it could be made to appear the emergency required it I have stimulated relatives here of Prisoners to back my request, and they have drawn up a memorial to the President signed by many influential individuals both in and out of Congress begging him to send a special agent as before mentioned. I hope the object may be effected but cannot speak with certainty as to the result of this application.

I took occasion at the interview alluded to to say to Mr Webster that I hoped that ere long Col Bee or some other authorised Representative of Texas would appear to conclude a Treaty between the two Countries, the speedy consummation of which was rendered more particularly necessary by the notification made by me May 19th 1841 under instructions from the Secretary of State of Texas, and which was as follows.—

"In anticipation of this event (meaning the formation of a Treaty) the undersigned is instructed formally to announce to the Government of the United States, as he now does, the resolution of that of Texas to terminate the Treaty of the 5th April 1831 beween the United States and Mexico, as far as it is binding upon Texas and the United States, in all matters relating to commerce and navigation as soon after the present date as is compatible with the provision of Article 34 of said Treaty."

I next called Mr Websters attention to the embarrassment caused Texan planters in the neighbourhood of Red River by not being permitted to pass their cotton down that river to New Orleans free of duty and receive their goods from that city with benefit of drawback, and which required a more immediate remedy than the tardy negociation of a treaty would supply. I represented the inutility to the United States of exacting 3 cents per pound duty on Texas cotton thus partially excluding it from her Ports, the proceeds of which if received and sold there, would naturally to a great extent be also expended there—at any rate I urged that permission should be given us to land Texas Cotton from Red River in entrepot at New Orleans free for reshipment to a foreign port, if the duty could not be entirely removed, and that drawback should be allowed on goods shipped up Red River for Texas, a river rising within our borders and flowing through the United States to the sea, and to which we had therefore a natural right of navigation and use. Mr Webster would not discuss he said then the question of natural right, but admitted the justice of relieving the part of Texas alluded to from the embarrassment in getting her cotton to market, and her supplies of Foreign goods from New Orleans, free of duty to the United States, advising me to procure through some of the Southern Senators the passage of a resolution granting the privilege required.

I conversed accordingly with Mr Calhoun and others, who seemed to favor my views, and I shall pursue the subject until if possible I can procure the passage of the resolution.

Mr Webster informed me that the report of the Commissioners for the boundary between Texas and the United States, had not been received but was daily expected.

[a] * * * * * * *

A Brother of Major G Thomas Howard and John C Howard requests I will enquire if they were in the Santa Fé Expedition, a prompt answer to this inquiry is requested to relieve Mr Howards extreme anxiety

I have the honor to be with great respect
Your Obt Servant

NATHL. AMORY
Secy of Legation

BROWER TO "LEGATION [OF TEXAS]."[b]

CURTIS TO BROWER.[c]

BROWER TO AMORY.[d]

AMORY TO WEBSTER.[e]

AMORY TO BROWER.[e]

AMORY TO JONES.[f]

Dispatch No. 76

LEGATION OF TEXAS
Washington January 8th 1842

To the Hon
Secretary of State of Texas
Sir,

Since my despatch No. 75 of the 4th instant, nothing has transpired of interest in relation to the course adopted by the United States towards Mexico in favor of our unfortunate prisoners of the Santa Fé Expedition.

[a] Here is omitted a paragraph relative to Amory's financial affairs.
[b] January 5, 1842. See Amory to Jones, January 8, 1842.
[c] January 7, 1842. See Brower to Amory, January 8, 1841, in Amory to Jones, January 15, 1842.
[d] January 8, 1842. See Amory to Jones, January 15, 1842.
[e] January 8, 1842. See Amory to Jones, January 8, 1842.
[f] A. L. S.

Mr. Fletcher Webster Chief clerk of the State Department informed me on the 7th inst yesterday, after the Cabinet meeting had taken place, that no new Bearer of dispatches would be sent at present, that the United States Consul for Santa Fé had not yet arrived here, and that it would probably be ten days before the Secretary of State would have anything new to communicate upon the subject.

As regards the detention of the Mexican Schooners Liberty and Eagle in new York, I waited upon Mr. Webster requesting to be informed as to the situation of the matter and was referd. by him to Mr Forward Secretary of the Treasury. The latter assured me of the warm interest felt by the United States Government and particularly by himself in the welfare of Texas, and that no exertion should be spared to prevent any infringement of the laws relative to fitting arming etc vessels to cruise against a friendly power, but that he could not communicate to me the situation of the case until the 10th instant.

I then addressed a note to Mr. Webster, copy of which as well as of a communication from the Texan Consul at New York to the Legation, and of my reply thereto, I herewith subjoin.

Mr. Amory to Mr. Webster dated 8 Jany '42.

The undersigned Acting Chargé d' affaires of Texas has the honor to express to Mr. Webster, Secretary of State of the United States his satisfaction at the step taken by the U. S. in detaining for examination two vessels the Eagle and Liberty built, armed and manned in New York (to be employed by Mexico against Texas) under the supervision of Don Tomas Marin who it is understood was provided by Genl. Santa Ana with money towards paying the cost of their outfit and construction and who resided at the Globe Hotel in New York. The Consul for Texas at New York has been instructed by the undersigned to communicate these and other facts to the Collector of that Port and to the District Attorney of the United States.

The undersigned conceives this to be a case coming within the provision of the Law of 20 April 1818 relating to fitting arming etc vessels within the United States with intent to employ them in hostilities against a nation with whom the United States is at peace, as he trusts will be proved by the investigation now pending.

The undersigned begs leave to offer to Mr. Webster Secretary of State of the United States renewed assurances of his high consideration.

Nathl. Amory.

Mr. Brower Consul for Texas New York to the Legation under date Jan'y 5th, 1841 [a]

Sir,

In pursuance of your instructions under date 22d Septr. last I have been diligent in my observation of the progress in building and outfit of the two schooners which have been built here for the Government of Mexico; and have been regular in my advices to Mr Collector Jackson at Galveston up to and including the period of their being ready for sea. On the morning of the 3d instant I observed by a daily newspaper, that these two vessels had been seized by the Collector of the Port of New York. Whereupon I addressed that gentleman as follows

Consulate of Texas New York January 3d 1842 Edward Curtis Esq Collector etc New York. Sir—I observe to day by a morning print, that two Schooners the Liberty and Eagle bound for Vera Cruz have been seized at your instance on behalf of the Government of the United States. I sometime since received instructions from a high ministerial department of the Government of Texas, to observe the outfit and movement of these vessels. And so far as you may conceive it consistent with propriety, I would be greatly obliged by your communicating to me

First—whether it was because of any complaint or interference on the part of Texas or any of her citizens that the United States have caused these seizures to be made

Second These vessels being registered (as I suppose) as American property, and as such the parties concerned presuming it to be protected, will the Government of the United States deem it its duty to go beyond that fact to enquire into the original and ultimate object of the enterprise?

Third. Will the vessels probably be detained for trial as "is usual in case of seizures by the Government of the United States?" Such of the Circumstances connected with these seizures as you may feel at liberty to communicate, and your opinion as to what course the United States Govt. will probably pursue towards these vessels will confer a particular favor. Again assuring you, Sir, that I am not prompted either by curiosity or a desire to intrude improper inquiries upon you, I am with much consideration

Yr Obt Servt.

J. H. Brower *Consul etc*

Upon handing Mr Curtis my communication he said he would reply at leisure, but up to half past two to day he said he could not yet reply, but would do so.

I hoped to obtain his reply and lay it before you with this, I think however I should not longer delay to communicate to you the en-

[a] Should be 1842.

quiries I have made. It has occurred to me that Mr Curtis may have acted under instructions received from Washington City, in which case you may be in possession of the cause for the whole proceeding

I have delayed to communicate to Mr Collector Jackson the circumstance of these seizures, hoping to be able to say at the same time what the prospect is of their speedy release or long detention. I would be happy of your comments upon the course I have thus far adopted and of your advice for my future government connected with this matter

Very Respecty Yr Obt Servt.

J H Brower.

N Amory to Mr Brower Consul etc dated 8 Jany 1842

Sir yours of the 5th instant is just received and its contents, to which I hasten to reply, noted. The course pursued by you in reference to the Mexican Schrs. Eagle and Liberty seem to me highly proper and in addition, it is important you should notify the Collector of the Port of New York and the District Attorney [of] any facts you may gain or be in possession of relative to the ownership object ultimate destination etc. of these vessels, and particularly of the information contained in the letter to you from this Legation of Sept 22d last on the points above refer'd to, so as to make it appear clearly to the Government of the United States and authorities that this is a case coming within the provisions of the law of 20 April 1818, prohibiting the fitting and arming of vessels within the United States with intent to employ them in hostilities towards a nation with whom the United States is at peace. The provision alluded to answers your second inquiry of the Collector of New York (Copy of which inquiry I find in your letter just received), provided the intent can be proved and to this end your exertion should be directed having the means of information at hand. The Government here has been unwilling to say more to me than that they have the case under consideration, are ready to receive any statement of facts, and probably can give me some definite answer by 12 oclock on the 10th instant

Respectfully Yrs etc

N. Amory
Actg Chargé d Affaires

Col Bee has not arrived neither have I any late news of his having left New Orleans

Very Respectfully Your Obt Servt

Nathl Amory,
Actg Chargé etc

BROWER TO AMORY.[a]

BROWER TO HOFFMAN AND TO CURTIS.[a]

AMORY TO BROWER.[b]

CURTIS TO WEBSTER.[b]

BROWER TO AMORY.[c]

AMORY TO JONES.[d]

Despatch No. 77.

LEGATION OF TEXAS
Washington Jan'y 15th 1842

Hon.
SECRETARY OF STATE OF TEXAS
SIR,

The Schooners Liberty and Eagle built at New York for the Mexican Government, have been liberated and have proceeded to sea. The following are copies of communications to the Consul at New York and his replies on the subject of these vessels, since my last respects of the 8th instant.—

The Consul Mr Brower to Mr Amory of New York Jan'y 8 '42

Craving reference to my respects of 5th instant, I have now the pleasure to lay before you, Mr. Curtis's reply to my note of 3d inst, the import of which I gave you in my communication of the 5th.—

Collectors office New York Jan'y 7, 1842 J. H. Brower etc etc

SIR, I am in receipt of your letter of the 3d inst and reply in order, to the interrogations therein contained, as follows,

1st Not to my knowledge.

2d. The case is before the Attorney General of the United States, for examination, and what course his decision will require, I cannot now forsee.

[a] January 11, 1842. See Amory to Jones, January 15, 1842.
[b] January 12, 1842. See Amory to Jones, January 15, 1842.
[c] January 13 and 14, 1842. See Amory to Jones, January 15, 1842.
[d] A. L. S.

3d. From my present knowledge of the subject, I think the vessels will not be detained for trial.

Yours etc signed EDWARD CURTIS

Renewing my assurances, I am, Sir, Very respectfully etc

J H BROWER

Mr. Brower Consul New York Jany 11 '42 to Mr Amory.

Yours of the 8th instant is at hand, it will afford me pleasure to communicate to the Collector of the Port of New York and also to the U. S. District Attorney for this District the information contained in the letter from the Legation of Texas at Washington City under date of 22d Septr. last, this I shall do without delay, viz, so much of it as relates to the Mexican Commissioner with funds. But I have in my possession no circumstances, besides the assurance contained in said letter of 22d Sept and report casually circulated here, to prove the object or ownership of the Mexican Government in the Schooners Liberty and Eagle. Report speaks of the ownership of that Government in them, and I do not doubt they are destined for the navy of Mexico, at the same time I think it would be most difficult to obtain the information you desire, because the agent would be extremely imprudent to allow such facts, pertaining to this business, to get abroad as would lead not only to a loss of the property but [subject] themselves to imprisonment under the law.

I have no doubt, however, that there are those in this community who know all the circumstances connected with the building, outfit, and object of these vessels—perhaps the Captains who command them, and some clerk, or clerks in the employ of Mess Hargous Brothers & Co—who, while they would not voluntarily betray the confidence reposed in them, would give true testimony upon the stand as witnesses, in which event, there is but little question, enough could be brought out to justify the condemnation of the Schooners—Provided the United States authorities will detain them for trial.

The principle of the Law of the U. S. Congress of April 20 1818 was not wholly absent from my mind in submitting my second inquiry to the Collector of the Port under date of 3d instant. But from the language of Mr. Bee's letter of 22d Septr last, before refer'd to [I] was led to infer the object of Texas to be the capture of these vessels and hence the direction to me to keep Mr Collector Jackson of Galveston, advised of their construction, progress, capacity, armament etc etc. Besides I soon remembered that The Texan Navy was built at Baltimore when the relation existing between the three nations viz the United States, Texas and Mexico was very nearly if not precisely the same as it now is. The object of conquest as referred to in said letter of 22d Sept. last, will account for my first

enquiry made of Mr Collector Curtis in my note to him of 3d inst a copy of his reply to which I had the pleasure to lay before you under date of 8th instant.

I take the liberty to enclose a copy of my communication of this date addressed to Mr Collector Curtis, and shall address one of similar import to Ogden Hoffman Esq the U. S. District Attorney.

Yours etc etc J. H. BROWER.

Mr Brower Consul New York 11th Jany '42 to Ogden Hoffman Esq U. S. District Att'y, and to Mr Curtis Collector.

I acknowledge with thanks your reply of 7 inst to my inquiries of 3d inst

Since receipt of your reply of 7 inst I am instructed by the Legation of Texas at Washington City to communicate to you and also to the United States Attorney for this District the following extract from a letter from that Department addressed to me under date 22d Sept last. In that letter the Hon. Minister says "I am advised through a source to be entirely relied upon, that Sant Anna of Mexico has despatched an Agent from that country Don Tomas Marin with $25000 in Gold to purchase and equip at New York two armed vessels. The object as avowed for this purchase is to use the force against the Federalists at and near Yucatan and Tobasco" The Minister then remarks that this force may be employed against Texas or her commerce and directs me to observe the operations of that Agent etc

I am also instructed to communicate to yourself and the District Attorney any facts I may gain or be in possession of relative to the ownership, object, ultimate destination etc of these vessels. You will perceive I trust the extreme difficulty of obtaining upon mere inquiry, at a moment *facts* to establish the ownership and object of these vessels, beyond what appears in the legal documents in your office pertaining to them. But if any thing can be gathered from the character of these vessels, the source through which their building was contracted for, and from common report; It seems to me if they were detained for trial, there will be but little difficulty in procuring testimony to establish a case clearly at variance with [the] law of Congress April 20, 1818. This point I am instructed to press upon your notice and consideration.

Signed J. H. BROWER etc

Mr. Amory to Mr. Brower. 12 Jany '41.[a]

J. H. BROWER Esq SIR Yours of the 11th Jan'y is at hand I am happy to find you have taken prompt measures now that the Mexi-

[a] Should be '42.

can vessels Liberty and Eagle are detained to cause their confiscation. It could scarcely have been anticipated by any of us, that such open proceedings of arming and manning, so manifestly endangering their safety, would have been resorted to by our enemies, making it necessary for the United States to take cognisance of the proceeding to interrupt their departure and institute a legal investigation which may lead to the before mentioned result so desirable to us. It is rumoured with what truth I can not say, that these vessels form a portion of a formidable fleet intended to operate against Texas a portion of which one Steam Frigate at least is preparing to be presented to the Mexican Govt. by certain Abolitionists of England, who have also tendered the loan of a million of Dollars to the same government to be used against us with the design more particularly on the part of these contributors by commencing by this means their unholy designs of forcible emancipation and striking the first blow at Texas. It becomes us therefore to be vigilant and active in thwarting at least such portion of their plans as come under our immediate notice and which may be within our power to effect. I shall urge upon Mr Webster, whose attention I have of course already called to the subject the justice and strong necessity for a strict and thorough investigation of the case relying upon your good judgment to adopt such measures as may tend to forward the same

Respecty Yrs etc

N. AMORY

Mr Brower Consul New York of 13 Jan '42 and of 14 Jany '42 to Mr. Amory.

I had the pleasure under date of 11th inst to reply to your valued letfer of the 8th inst. By a newspaper of this morning I see the Liberty and Eagle have been liberated and gone to sea. Upon inquiry at the Custom House (Mr Curtis being absent this morning) Mr Howe the Deputy Collector confirms their liberation, and does not know of any particular change in the character of their outfits. While I farther understand there is no change, though the parties here have been required to give bonds in a considerable sum, binding against operations upon the Commerce of nations at peace with the United States. And thus I presume they will pursue their voyage to Mexico unmolested. I wrote Mr Collector Jackson at Galveston of this import, this morning

etc etc

J. H. BROWER

Your valued favors of 11[a] and 12th inst are this morning at hand. Yesterday I advised you of the liberation and sailing of the two

[a] This has not been found.

Mexican Schooners. I can hardly suppose the Abolition faction in England would dare proceed so far as has been suggested to you; altho' I think these deluded men require close watching. It was remarked to me some time since (and I immediately communicated it to Mr Collector Jackson) that two iron Steamers were being constructed in England for Mexico through Lizardis in London. But my impression was the means and credit were furnished from the "Catholic" fund in Mexico

J. H. B.

Still since my last respects before mentioned nothing important has occurred in regard to the mediation of the United States to obtain the release of the prisoners of the Santa Fé expedition. Demonstration of public feeling (not to be disregarded) continue to press upon the attention of the Executive; the introduction by Mr Thompson of Kentucky of the resolutions by the Legislature of his state in the House of Representatives, at the same time the passage of a resolution of the latter, calling upon the President for any information in his possession in relation to the melancholly event referd. to, will tend to strengthen the hand of the Government, and add to its power of assisting us under an assurance in some degree beforehand of popular approval.

Mr. Preston, Senator from South Carolina, to whom I applied for counsel and assistance, suggested as the best and most efficient step, the sending of Genl Waddy Thompson in a Frigate to Vera Cruz as minister Plenipoy, furnished with instructions touching the case referd. to, to take the place of the present incumbent, and he immediately waited upon Mr Webster recommending and soliciting the adoption of this course. The Secretary of State signified his approbation, and promised to see the President on the subject, and held out strong hope of the thing being accomplished, and Mr Preston thinks he will be sent in the Flag Ship of the coast squadron under Commodore Stuart. I have been looking forward to the arrival of the U. States Consul of Santa Fé who wrote the Secretary of State he was coming; as the course pursued by the Govt. may be materially influenced by his detail at a personal interview.

At a Diplomatic dinner at the Presidents this day, the Spanish Minister Chevalier d Argaiz, on paying my respects to him, finding I was acting as Chargé, signified a wish to have some conversation through the Portugese Minister as interpreter, not being well acquainted with english. I told him I understood Spanish sufficiently to dispense with the interpreter, and he proceeded in his own language. Referring to the correspondence between the two Legations in February and March 1841 (which was communicated by me to the

Secretary of State of Texas in despatch No 62 6[a] March '41) he observed that unfortunately he wrote his government on the subject, by the President Steam Ship, which was lost, and after much time, repeated the communication, which accounts in some measure for the delay that has occurd. The Spanish Government he says are unwilling to enter into any positive treaty negotiation at present, but the Commandant of Havana or Cuba (under authority no doubt of the home Government) has signified his willingness that a trade between Cuba and Texas should be opened, and Spains and Texan vessels admitted into the Ports of the respective countries on the terms of the most favored nations, and assured me that any Texan vessel arriving in Cuba would be readily admitted upon the terms indicated. he apologised for entering upon such a topic upon such an occasion, but being obliged to leave Washington to which he had come on a visit of a few days only, immediately for his residence Wilmington Del. he feared another opportunity might not offer of making this communication soon.

Mr. Serruys the Belgian Minister enquired as usual with great interest after his friend Mr Jones the former Minister from Texas of whose appointment as Secretary of State he had been apprized.

Since writing the foregoing, after waiting for some days, I am at last in possession of Mr Websters reply to my note of the 8th inst which I am thus enabled to add to this despatch.—

Mr Webster to Mr Amory

Department of State Washington 19th[b] Jany 1842. The undersigned Secretary of State of the United States has the honor to acknowledge the receipt of the note of Mr Amory acting Chargé d' Affaires of Texas, of the 8th instant, upon the subject of the Schooners 'Eagle' and 'Liberty' recently seized at New York. The enclosed copy of a letter to this Department and of the accompanying papers, from the Collector of the Customs at that Port will acquaint Mr Amory with the measures which have been taken by authorities of this Government in regard to those vessels and with the grounds of the proceedings adverted to.

The undersigned avails himself etc

Signed DANIEL WEBSTER.

To N AMORY etc

Copy of a letter from Mr Curtis to Mr Webster

Custom House, New York Jan'y 12th 1842. Hon Daniel Webster Secy of State etc SIR I have the honor to lay before you, a copy of a letter received by me from Mr J H Brower Consul at this port of

[a] Should be 7. See Amory to Secretary of State [Mayfield] of this date

[b] This date indicates that the despatch was held over.

Texas, dated 3d Jan'y instant; copy of my reply of the 7th and copy of a second letter from Mr Brower dated the 11th instant. The correspondence relates to certain vessels built at this Port, owned by American Citizens, and which have cleared for Vera Cruz, as American property. The Owners of the vessels gave bonds under the 10th section of the Act of Congress of 20th April 1818, and the vessels were permitted to sail, by virtue of an order of the Secretary of Treasury, in conformity with the opinions, upon the case, of the Attorney General of the United States, and the United States District Attorney for this District, each of whom were consulted. I am dear Sir

Yours etc. EDWD CURTIS *Collecr*

The letters referd. to in the foregoing letter of Mr Curtis you have herewith previously inserted. * * *[a]

Very Respecty Yr Obt Servant

NATHL AMORY
Actg Chargé d Affaires

WEBSTER TO AMORY.[b]

AMORY TO WEBSTER.[c]

AMORY TO JONES.[d]

Despatch No. 78.

LEGATION OF TEXAS
Washington January 20, 1842

Hon.
ANSON JONES,
Secretary of State of Texas

SIR,

Your communication to myself of 28th Ulto.[e] etc to Mr. Bee of 27th Ulto.[f] with accompanying letter of his recall for *the Minister of Foreign Affairs* of the United States were received last evening. I immediately wrote to Mr Bee the substance of what I had received, directing my letter to Pendleton S. C. after which I rec'd a letter from him dated at that place the 14th inst wherein he says he expects to be

[a] The remainder of this paragraph relates to Amory's financial affairs.
[b] January 19, 1842. See Amory to Jones, January 15, 1842.
[c] January 20, 1842. (Two of the same date.) See Amory to Jones, January 20, 1842.
[d] A. L. S.
[e] Giving the *personnel* of the new administration in Texas.
[f] Recalling Bee.

retained until the Treaty is concluded, but shall not leave for Washington until he hears from Austin. No doubt ere this he has received the duplicate letter of recall, which I presume will determine him not to come at all, and in my letter to him I recommended him to send me a letter taking leave of the President of the United States open, in order that I might transmit at the same time the letter of the Secretary of State of Texas to the Govt of the United States. I have thought best to erase Minister of Foreign Affaires etc and substitute Sec'y of State of the United States.

I also addressed Mr. Webster in compliance with the instructions in yours of 28th Ulto above referred to as follows

[Here follow two letters from Amory to Webster, both dated January 20, 1842, one giving the *personnel* of the new administration of the government of the Republic of Texas, and the other Bee's authorization of Amory to act as chargé d'affaires.]

Bee to Webster.[a]

Jones to Reily.[b]

[A part of this letter has been published already.[c] The part of it hitherto unpublished follows:]

The Treaty for the suppression of the African Slave Trade, between Texas and Great Britain has met the approbation of the Senate and will be ratified by the President immediately, and it is confidently hoped and expected that our relations with that country will soon be placed upon a footing, which will be productive of important and beneficial results to Texas.

* * * * * * *

Gen James Hamilton late Minister to England, is recalled, and a successor to him will be applied at an early day.

Bee to Jones.[d]

Pendleton, South Carolina,
Jan. 27th, 1842.

Sir,

Through the medium of the Texian Consul at New Orleans, I have the honor to acknowledge your (duplicate) communication of the 27th

[a] Dated Pendleton, S. C., January 21, 1842. See Reily to Jones, March 11, 1842.

[b] Unsigned copy of instructions, dated January 26, 1842.

[c] See Telegraph and Texas Register for November 26, 1845, where the date of the letter is given as January 20, 1842.

[d] Endorsed "Copy Col B. E. Bee to Secty of State 27th Jany 42."

Dec. 1841, informing me of my recall from near the Government of the United States. I immediately conveyed this intelligence to the Secretary of State at the City of Washington, and have availed myself of the privilege extended me of taking leave by letter, instead of in person; and could not fail to express the high sense I entertained of the courtesy with which I had been treated during the term of my residence there. It would have been a source of gratification to me, Sir, if I could have closed my communication to you here—but the President has thought proper to accompany the recall with a charge, (however "respectfully" made) "of a desertion on my part, injurious to the interests of the country, and disrespectful to that of the United States." This Sir, is no slight accusation;—but how stand the facts? At the close of the extra session of the Congress of the U. S., I called the attention of the Secretary of State, Mr. Webster, to the immediate formation of a treaty with Texas. The session had been an irksome one, and Mr. Webster entreated he might be allowed to visit Boston, assuring me that his early attention should be bestowed upon it on his return to Washington in the fall, adding that the report upon the boundery between the two countries would by that time be received; Simultaneous with this, I received a letter, dated 3d Sept., from Gen. Hamilton, our envoy in England, earnestly "requesting me for most special reasons, not to conclude a treaty with Mr. Webster, until he could see me, as his information and views might be of importance in framing that compact, and suggested my writing President Lamar an official letter, that I desired to confer with him during the session of Congress on this important subject." Thus importuned, both by Mr. Webster and Gen. Hamilton, anxious as I was to form this compact during the administration of President Lamar, I was compelled to yield, and immediately took the requisite steps, in order that I might meet Mr. Webster in December. I wrote to President Lamar, giving him the reasons of delay, requesting leave of absence, informing him at the same time that I should leave Mr. Amory in charge "in whose hands the honor and the interests of the country would be safe." [I] Specially waited on the Secretary of State acquainting him, with this arrangement then waited on the President of the United States, and respectfully took my leave and hastened (stopping as I passed through South Carolina, but a few days with my family) to New Orleans, and even *there*, I trust I was not unmindful of the interests of my country, as future events may perhaps show.

Thus, Sir, I neither *deserted* my post jeoparded the interests of my country, nor treated the United States with disrespect. I cannot express to you my feelings on this occasion:—from the moment I landed upon the shores of Texas, to this hour, I have received the most unbounded confidence and respect, and if zeal and fidelity in her

cause, her institutions and her people, be indications of honesty of purpose, I trust I have never faltered. At the moment of recall and then, as if that was not implied censure enough, for the chief magistrate to instruct his Secretary of State, to apply to me the most degrading epithets, that the language is capable of, " desertion of post, and sacrificing the interests of my country "—and that too by one who knows my character as thoroughly as he does his own, surpasses my belief and excites feelings utterly beyond expression. The desertion of a post of danger, the weakness of our nature sometimes prompts, that of a post of honor never—in truth, Sir, what but a paramount duty to the best interests of the country could have induced me to leave a treaty with the United States unaccomplished, and on the advent of a new administration?

But it would be worse than vain to dwell on this topic—sufficient for me, that I am above censure, and that a very slight reference to the files of your department would have saved me from reproach. The charge, Sir, is unworthy of the President, disrespectful to me as a gentleman, and you cannot too strongly be assured. I am alone restrained in my expression of the deep injury attempted to be inflicted on me, by the high office Gen. Houston occupies. The President of the country is beyond the reach of the citizen, and while his station protects him from either the infliction of epithets or the assailment of the sacredness of his person, he should be a thousand fold guarded neither to wound or malign.

I have the honor to be
very respectfully yours
(Signed) BARNARD E. BEE.

REILY TO JONES[a]

HOUSTON *Feby 2nd 1842*

HON ANSON JONES
Secretary of State

SIR

I have been ready to leave this place for some days and only await the departure of a Boat, and expect to leave tomorrow or next day. I regret very much that my authority or commission to enter into the negotiation of a treaty has not been received from the State Department. Without such authority I can do nothing, and it was for the purpose of forming a treaty that I understood I was to be sent. I am anxious to give my earliest attention to this important matter,

[a] L. S.

and may I not trust that the proper credentials will be immediately dispatched so as to meet me in Washington City.

With sentiments of the
Highest respect I am
Yours

JAMES REILY

A CHOCTAW TO PITCHLYNN.[a]

WASHINGTON TO AMORY.[b]

EVE TO JONES.[c]

No. 3.

LEGATION OF THE UNITED STATES
Galveston February the 27th 1842

The Honl.
ANSON JONES *Secretary of State*
for the Republic of Texas

SIR

The undersigned Charge d'Affaires from the United States, has the honour to invite the attension of the honourable the Secretary of State for the Republic of Texas; To the Treaty of Amity, Commerce, and Navigation, concluded on the fifth day of April 1831 Between the United States of America, and the Mexican States, which is in force between the Goverments of the United States and Texas, By which the two Goverments, in the second article engage mutually not to grant any particular favor, to other Nations in respect of Commerce and Navigation, which shall not immediately become common to the other party; and by the third article in said Treaty, it is stipulated that the merchants and traders of each nation shall not pay higher on other duties, imposts, or fees whatsoever, than those which the most favored nations are or may be obliged to pay. By reference to the Treaty Stipulations, now in force between the Goverments of France and Texas, and by the proclamation of the late President of Texas; French Brandies are permited to be imported into Texas in French vessels upon paying four fifths the impost duties, that the merchants and traders from the United States are compeled to pay upon Brandies from the United States, while

[a] February 9, 1842 (extract). See Eve to Jones May 9, 1842.
[b] February 21, 1842. See Reily to Jones, March 11, 1842.
[c] A. L. S.

French Wines are permited to be imported in French vessels free from all duties.

This regulation is understood to be in violation of the treaty Stipulations refered to between the Government of Texas and the United States, and calculated to impair that kind and friendly feeling which exists between the two nations and [which it] is the interest and wish of each Government to cherish and maintain. It has heretofore been acquiesed in without complaint on the part of the Government and Citizens of the United States; Because the impost duties were so very low and payable in depreciated Texas notes worth about twelve cents in the dollar, but by the late act of Congress, the duties have been increased a hundred per cent and payable in Gold or Silver; under these circumstances the undersigned feels, that (however great his solicitude may be for the welfare of Texas) he would be guilty of a great dereliction of duty to his own Government had he failed to call the attension of the Secretary of State for the Government of Texas to this subject. He does so with full confidence, that the Executive department of this Government will give such orders to the collectors of the customs as will place the commerce of the United States upon as favorable a footing as that of France. Mr. Jones will please accept assurances of my high consideration and respect.

JOSEPH EVE.

AMORY TO WEBSTER.[a]

WEBSTER TO AMORY.[b]

FORWARD TO WEBSTER.[c]

JONES TO EVE.

(Copy)

DEPARTMENT OF STATE
Galveston, March 5th. 1842.

To the Hon JOSEPH EVE,
Chargé d' Affaires of the United States etc etc.

SIR,

I have the honor to acknowledge the receipt of your note of the 27th ultimo, inviting my attention to the treaty of the 5th April, 1831,

[a] February 28, 1842. See Reily to Jones, March 11, 1842.
[b] March 1, 1842. See Reily to Jones, March 11, 1842.
[c] March 2, 1842. See Reily to Jones, March 11, 1842.

between the United States and Mexico, by which each of the two government mutually agreed in the second article, not to grant any particular favor to other nations, in respect to commerce and navigation, which shall not immediately become common to the other party; and stating that certain distinctions were made in the duties charged in Texas upon French Wines and Brandies under the treaty with this country and France, unfavorable to the Merchants and traders of the United States, which Mr. Eve considers to be in violation of the treaty stipulations first above referred to.

In reply I have the honor to state that this favorable distinction in duty upon Wines and Brandies refers to such as are the growth and production of France only, and imported directly in French or Texian vessels, and as neither of these articles, the growth and production of the United States, are made objects of exportation from the United States to Texas, it would therefore seem to me that the distinction to which Mr. Eve refers is not in violation of the treaty stipulations, but in full accordance with the policy pursued by most European and American nations, at the present time, the reciprocity established by them, in their intercourse with each other, having reference always to the articles which are the produce, growth or manufacture of their respective countries. Besides in the treaty between Texas and France some important concessions are made in favor of Texian Shipping and commerce over those of France, which by the two governments was considered at the time of its formation as a compensation for the diminished duty on the articles referred to above. The second article of the treaty, referred to by Mr. Eve in his note, provides that all concessions granted to other nations by either party shall become common to the other party, who shall enjoy the same free, if the concession was free, or upon the same conditions if the concession was conditional. As therefore this distinction in duty on Wines and Brandies the growth and production of France has been conditional, The government of Texas has supposed that no other nation could complain of the same, without having first indicated a willingness and having entered into stipulations for similar conditions with it. The distinction now made in favor of French Wines by the proclamation of the late President by which they are admitted free of duty is an arrangement which this government only considers temporary in its character, and which it is the intention of the President speedily to revoke.

As notice has been given to the Government of the United States of an intention on the part of Texas to terminate the treaty of the 5th April 1831 between the United States and Mexico so far as Texas is concerned, and as negociations are now in progress at Washington for the formation of a new Commercial Convention between the two countries, it is hoped that such arrangements may be entered into as

will be mutually advantageous and ensure the best interests as well as a continuance of the friendly relations of the two countries.

I embrace the occasion to renew to Mr. Eve the assurances of my distinguished consideration.

(signed) ANSON JONES

WEBSTER TO AMORY.[a]

REILY TO WEBSTER.[b]

WEBSTER TO REILY.[b]

REILY TO JONES.[c]

[Despatch No. 79.]

LEGATION OF TEXAS,
Washington March 11th 1842

Hon.
ANSON JONES,
Secretary of State of Texas,
SIR,

I have the honor to inform you that I arrived here on Tuesday evening the 8th instant. On Wednesday I addressed the Hon Secretary of State a note, informing him of my arrival and desire to know when it would suit his convenience that I should present my letter of Credence, a reply was immediately given designating 12 M the next day. Copies [of] the notes I hereto annex. Attended by Mr Amory Secretary of Legation I called at the appointed time, was very graciously received and delivered my credentials to the Hon Daniel Webster Secretary of State. Our interview was short, but brief as it was, we opened the subject of the free navigation of Red River. This right I am induced to hope from the liberal spirit manifested by Mr Webster will be conceded. The privilege of stopping our products for any other purpose than of reshipping to Foreign Ports free from Duty I fear will not be permitted, unless some remunerating privilege is granted by Texas to the United States, as it would be conceding to our nation privileges which other nations might claim under their Treaties of reciprocity. I shall still continue to press this matter knowing its importance to my fellow citizens

[a] March 7, 1842. See Reily to Jones, March 11, 1842.
[b] March 9, 1842. See Reily to Jones, March 11, 1842.
[c] L. S.

At our next interview I shall urge upon the United States government through Mr Webster the consideration of our Indian relations

My Predecessor Col Bee had had presented the synopsis of a Treaty, and the Government has been informed that the Texan Representative here would be clothed with ample powers to conclude one

The subject of annexation has not yet been broached, I apprehend the Secretary of State will not be disposed to hold much if any positive conversation with me upon any subject, until satisfied of my power to enter into definite arrangements

In regard to the resolutions adopted by the Congress of Texas, extending her jurisdiction over the Californias to the Pacific Mr Webster remarked "that it looked as if Texas was too grasping and might excite the jealousy of other nations" The despatches you gave me for Mr McIntosh at Paris, I brought hither, and Mr Amory obtained the favor at the State Department of having them placed in the Letter bag sent from that Department to the American Minister at Paris. This will ensure their safe delivery

The letter of instructions dated 26th January Ultimo directed to me at Galveston I received at that point on my way to the United States These shall be strictly obeyed.

Permit me to suggest the name of Asa A Brown Esq of Wilmington North Carolina, as Texan Consul for that point. This request is made in compliance with a letter from William H Washington member of Congress from North Carolina, who addressed Mr Amory the accompanying letter previous to my arrival on the subject, and recommends him as a Gentleman of great intelligence, high standing and anxious as well as able to render Texas essential service

May I not trust soon to receive a volume of the Acts of last Congress, so as to be able to speak without hesitancy as to our Laws and Legislative proceedings, and not go by idle rumor.

[a] * * * * * * *

I submit also herewith a copy of the letter of my predecessor Col Bee taking leave of the Government of the United States and dated 21st January last

Col Bee forwarded to Mr. Amory from New Orleans prior to my arrival evidence of a claim of Mr John A Rodgers a citizen of Texas for duties on mules illegally exacted by the Collector of the district of Téche Louisana, the correspondence respecting which between the Legation and the United States Government being Mr Amory's note to Mr Webster of February 28 Mr. Webster Secretary of State of the U. S. replies of 1st and 7th March and [the letter to Mr. Webster of] the Secretary of the Treasury of the United States of March 2d. all last past.

[a] Here is omitted a paragraph referring to Amory's claims on the Texan government.

March 15th. Since writing the foregoing, I have been presented to the President of the United States and was received very courteously, the conversation having been of a general nature.

Rest assured it shall be both my pleasure and duty to do all in my power to advance the reputation and prosperity of the Govt. I have the honor to represent.

I have secured lodging at Mrs Whitwells Capitol Hill, where the President of the Senate Mr Southard is residing with his family, constituting with myself and family and Mr Amory our entire mess. I append a communication by me for the Intelligencer.[a]

With sentiments of highest respect
Yours

P. T. O.[b] JAMES REILY.

Mr Bee to Mr Webster.

LEGATION OF TEXAS
PENDLETON SOUTH CAROLINA
January 21st 1842

Hon. DANIEL WEBSTER *Secretary of the United States*

SIR, The President of the Republic of Texas hav'g sent me a letter of recall, it becomes my duty, (being absent) in writing to take my respectful leave of the Government of the United States, in doing so Sir, be assured, the short time I had the honor of transacting business with your Department, was characterised by too much amenity on your part, not to have made a lasting impression. In withdrawing from the United States, I regret my absence from Washington prevents my waiting upon the President and assuring him of my constant wish for his individual happiness and the prosperity of his Government. I enclose herewith a letter from the Secretary of State of Texas. With assurances of high consideration

Yr Obt Servt.

B. E. BEE.

Mr Amory to Mr Webster

LEGATION OF TEXAS
Washington Feby 28 '42.

To Hon Daniel Webster Secretary of State of the United States. The Undersigned Actg Chargé etc of Texas has the honor to enclose a memorial of John A Rodgers a citizen of Texas to the Secretary of the Treasury of the United States together with testimony in proof of the allegations therein contained. It seems an amount, $180, was illegally exacted from Mr Rodgers on arrival in the United

[a] See issue for March 17, 1842, under headline "Texas."
[b] I. e., "Please turn over."

States from Texas, by Mr. John W Dough Collector for the District of Teche, Louisiana, which the said Rodgers requests may be refunded to him. The undersigned has earnestly to call Mr Websters attention to the injustice complained of in order that prompt redress may be afforded The undersigned offers to Mr Webster renewed assurances of his high consideration.

NATHL AMORY.

Mr Webster to Mr Amory

DEPARTMENT OF STATE, *Washington [City], March 1st 1842*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of yesterday, from Mr Amory, The Secretary of Legation of Texas, relative to an alleged illegal exaction of duties on certain animals introduced into the United States from Texas, by the way of the District of Teche, in Louisiana.

The Undersigned has the honor to acquaint Mr Amory, that a copy of his note and the original papers accompanying it have been communicated to the Secretary of the Treasury, to whose Department the subject belongs. The Undersigned avails himself of this occasion to offer to Mr Amory renewed assurances of his high consideration

DANIEL WEBSTER

Mr Webster to Mr Amory

DEPARTMENT OF STATE, *Washington [City], 7th March 1842*

The undersigned, Secretary of State of the United States, has the honor to communicate a copy of the answer of the Secretary of the Treasury to the letter from this Department, transmitting a copy of the note of Mr Amory, Acting Chargé of Texas, of the 28th Ultimo, upon the subject of duties supposed to have been illegally charged upon certain animals introduced into the United States from Texas by the way of the District of Teche in Louisiana

The Undersigned avails himself of the occasion to offer to Mr Amory renewed assurances of his high consideration

DANIEL WEBSTER.

Mr Forward to Mr Webster

To Hon. Daniel Webster, Secretary of State at Washington, (Treasury Department March 2d–1842) Sir In reference to the case presented in the note of the acting Chargé d'Affaires of Texas, and the accompanying papers, enclosed in your communication of the 1st

instant, respecting duties charged by the Collector of the District of Téche on certain animals imported from Texas by Mr John A Rodgers a citizen of that Republic, I have the honor to state, that on the 23d Ulto; the First Comptroller of the Treasury instructed John W Dough, Esq Collector of the District mentioned, to refund the duties to the party, provided the fact should be clearly established that the animals in question were brought within the limits of the United States prior to the day when the Act "relating to duties and drawbacks," approved the 11th September, 1841, went into operation. I have the honor to be very respectfully

Your ob't Servt.

W. FORWARD
Sec'y of the Treas'y.

Mr Reily to Mr Webster.

LEGATION OF TEXAS, *Washington, 9th March '42.*

The undersigned having been appointed Minister Chargé d'Affaires, of the Republic of Texas, near the Government of the United States, has the honor to inform Mr. Webster Secretary of State of the United States of his arrival and to request to be informed at what time it will be convenient to Mr Webster to receive him for the purpose of presenting his letter of Credence. The Undersigned takes the present occasion to offer to Mr Webster assurances of his high consideration

JAMES REILY.

Mr Webster to Mr Reily.

DEPARTMENT OF STATE *Washington [City,] March 9th 1842.*

The Undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of this day from Mr. Reily, announcing his arrival in this City, stating that he had been appointed Minister Chargé d'Affaires of the Republic of Texas to this Government, and asking that a time might be named for him to present his letter of Credence.

The Undersigned has the honor to inform Mr. Reily in reply that he will be happy to receive him for that purpose at the Department at 12 o'clock, tomorrow, the 10th instant.

The Undersigned avails himself of this occasion to offer to Mr Reily assurances of his distinguished consideration.

DANIEL WEBSTER.

[Mr. Washington to Mr. Amory.[a]]

Ho. Rep *21st Feby 1842*

Sir

Permit me most respectfully to recommend Asa A Brown Esq for the appointment of Texan Consul for the Port of Welmington North Carolina

Mr Brown is a gentleman of great intelligence and strict integrity as well as a considerable share of practicable experience; and from his position will have it in his power to render essential service to the Republic of Texas.

With great respect
Your Obt Servant

W H Washington

Nathl Emory [sic] Esq
Secretary of Legation of the Republic of Texas

Reily to Jones.[b]

Pitchlynn to Spencer.[c]

Reily to Jones.[d]

Despatch No. 80

Legation of Texas
Washington March 25th 1842.

Hon.
Anson Jones
Secretary of State of Texas

Sir,

The news of the invasion of Texas reached me last night contained in the Orleans Bee of the 16th Inst. I need not attempt a description of my regret at the occurrence or my desire for the welfare of my fellow citizens.

This morning at the earliest hour possible I went to the State Department and had an interview with the Hon Daniel Webster Secretary of State, and urged upon him the great necessity of the United States Government taking efficient and active steps to keep

[a] This letter is an enclosed original.
[b] March 15, 1842. Part of the letter begun on the 11th.
[c] March 25, 1842. See Eve to Jones, May 9, 1842.
[d] L. S.

in subjection the Indians upon our Northern Frontier. He was just then on the eve of visiting the President, but informed me my request should be attended to. Feeling the deepest solicitude on that matter I called again at one P. M. but found Mr. Webster still out. I called again at 3 P M and have just returned from a very satisfactory conversation.

Mr Webster assured me that the United States would have their Indians kept within their proper Territory. I feel satisfied that it will be done and that Texas in her struggle can have the aid of all her gallant sons both in the east and along the Red river line since the United States will save their homes and property from the depredations of the savages. The Government here will likewise take means to defend the lives liberty and property of her citizens on Galveston Island. No doubt an officer has been despatched before this time to the New Orleans station for the purpose of taking the proper steps to carry out their determination to protect the rights of their Citizens on Galveston

. At present nothing can be done in making a Treaty with the United States. The Secretary of State informed me this morning that the English and Mexican matters were pressing too heavily upon them to allow a just and due consideration of any Treaty with Texas. At the State Department yesterday I was favoured with the reading of the recent instructions of this Government to its Minister in Mexico in regard to the Santa Fé Prisoners. they are most positive in the demand for the liberation of the United States Citizens and requires the Minister of this Government to insist with the Mexican Authorities, that the Citizens of Texas now in captivity as well as those of the United States shall be treated humanely as prisoners of war and not abused or put to any slavish or degrading occupation.

I had a personal interview yesterday morning with Mr. Lawrence Bearer of despatches from the American Minister at Mexico to this Government. He states that the Prisoners at Perote were in good condition, and well taken care of whilst those in the City of Mexico were badly treated being made to labor on the streets and suffering every indignity. This will be ended I trust by the positive instructions of the United States Government received perhaps ere this by the United States Minister at Mexico.

Genl. Waddy Thompson has been appointed and sent out as Minister to Mexico he has the character of being a bold fearless enerjetick man a warm friend of Texas, and an enthusiastic advocate of Constitutional freedom. His instructions are of that nature which will enable him no doubt to vindicate the oft insulted honor of the United States and be of service to our unfortunate Prisoners My own impression is the United States Government will sustain the demand of her Representative with a force upon the Gulf. Did the bar of Gal-

veston permit, the United States Government would despatch as Mr. Webster informed me one of her new Steam Frigates to the protection of the Merchandise and property of the United States Citizens at Galveston.

Trusting in the valor of Texan troops and believing they will ever be victorious, I sign myself with assurances of high consideration.

Yours etc

JAMES REILY

SPENCER TO TAYLOR.[a]

REILY TO WEBSTER.[b]

REILY TO JONES.[c]

Despatch No. 81

LEGATION of TEXAS
Washington March 29, 1842

Hon.
Anson Jones,
Secretary of State of Texas,

SIR,

My Last despatch, dated March 25, informed you that I had urgently pressed upon the consideration of the United States Government, the justice and absolute necessity of concentrating upon the Arkansas and Red river lines, force sufficient to keep in check the Indians there placed. But a short time since, I had an interview with Mr Spencer Secretary of War, and the President, by both of whom I was assured the protection required had been given, and would be extended. Mr Secretary Spencer informed me, that the order had been issued, and the expresses sent in order to concentrate immediately about 2000 regulars along the frontier of both Dragoons, and Infantry. Five companies of the former, are ordered from Fort Leavensworth, and troops from Jefferson Barracks—The 6th Regiment now in Orleans from Florida—And others from various places. Peremptory, and positive orders, as Mr Secretary Spencer informed me had been given to the Chiefs, Agents, and officers among the indians, not to permit a single Indian to cross into the Territory of Texas, under any pretence whatever. I rejoice at the attainment of

[a] March 26, 1842. See Reily to Jones, April 7, 1842.
[b] March 28, 1842. See Reily to Jones, March 29, 1842.
[c] L. S.

this desirable matter, for it will enable the Red river, and Eastern troops, to leave their homes, should the danger of Texas require it, undisturbed by any apprehension for their homes and families from the Knife of the Savage. On yesterday, and before I had an interview with the President, and Mr Spencer, I had laid before the Secretary of State, a communication embracing these heads—1st the Indian relations which have been so satisfactorily responded to in the interviews with the President and Secretary of War—2d. The free navigation of the conterminous rivers, and using the Ports and places along them free of all duties to the Customs or vexatious delays, for entrepot—3d The interchange of mails between the United States and Texas and 4th whether the United States as a humane and civilized Government, recognizing the principles of international law, and the rules of honorable warfare, would as a member of the great family of nations, permit Mexico through her Dictator to violate all faith, transgress all the rules of honorable warfare—doom prisoners entitled to rights as prisoners of war to degrading drudgery, and cruel punishment, and above all violate in a most wanton manner, the terms of capitulation entered into between Mexican troops, and the unfortunate soldiers of the Santa Fé expedition

I have as yet received no answer to my Despatch upon these points, save the first in regard to the Indians.

We have the friendship of the Government of the United States, and the deep sympathy of the people.

General Waddy Thompson goes out as Minister to Mexico in the Frigate Macedonian, and I believe with orders to demand at once the release of the United States Santa Fé prisoners.

With sentiments of high respect

I am Yours— JAMES REILY

P. S. A copy of the communication to Mr Webster herein alluded to will be sent tomorrow which please consider a part of the despatch No. 81

[Enclosed is the copy mentioned, a part of which has been published.[a] The remainder follows:]

The Undersigned would beg leave to call the attention of the United States government to the harsh and unjustifiable treatment of the unfortunate Sante Fé prisoners by their Mexican captors. They do not receive the treatment due prisoners of war, which is certainly guaranteed to them by the Law of nations, as well as the rules of honorable warfare. The prisoners a large majority of whom are but recent emigrants from the United States to Texas, [(] and several never have laid down their allegiance to this, their native land) have been imprisoned, ironed, doomed to severe and degrading drudgery—ill used, and some inhumanely murdered.

[a] See Calendar.

The Mexican prisoners made in Texas have invariably been treated with kindness and humanity, so much so indeed that hundreds refused to return to Mexico, and a great many have been incorporated as Texan Citizens, enjoying all the benefits and rights conferred by our laws and Constitution. The undersigned would therefore submit to Mr Websters consideration whether, the United States, as a great, humane, and just nation, will not, acting upon principles justified by the Law of nations, compel Mexico, to observe the terms of the capitulation entered into between the captives, and the captors, which guaranteed their safety, preservation of side arms, private property, and to be marched again to the frontiers of Texas in safety. These terms in their violation, is a second edition of the perfidious violation of the terms upon which Fanning and his Three hundred patriots surrendered to Genl Urrea, and whose cold blooded assasination on the 27th of March 1836 by the command of Genl. Santa Ana, after promise of immediate restoration to their country and friends, from his fierce determination to keep no faith, observe no laws, disregard all principle, but, do all he can to establish the hated right of military Dictatorship, and at his own will trangress every precept contained in the national code, and the observance of which, are so necessary to the harmony, prosperity, and intercourse of civilised Governments—of the spirit on the part of Genl Santa Ana, the present invasion of Texas after his forfeited life had been spared by his too lenient conquerors, on his promise not again to take up arms against Texas, or instigate their being taken up, is an additional evidence.

The Mexican Government, through their President Genl. Santa Ana has rendered herself a criminal in the eyes of all civilized nations, for his treatment to the Santa Fé prisoners, by violating the terms upon which they were induced to surrender, even had the expedition been one of violence and warlike. But when it is considered that command went, upon the supposition that the citizens of Santa Fé were anxious for their arrival, and at the invitation of some of the citizens of Santa Fé, also were instructed by the Government of Texas not to attempt the subjugation of the people by arms, should it be found they were unwilling to come under our laws, and only were permitted to go as an armed body, to defend themselves and articles of traffic which they bore from hordes of hostile indians with whom they were constantly engaged in warfare for the three months consumed in approaching their destination, and by whose molestations, they were eventually reduced almost to starvation. Then again, when the capture was made within the territory recognised as belonging to Texas, when our independence was recognised by the United States Government, he becomes doubly criminal, as a violator of national law and should be checked in his violent career by nations whose institutions derive their strength, and support, from integrity of con-

duct, and inflexible adherence to the rules of right. Texas makes this appeal to the Government of the United States with the full assurance, that a nation illustrious in all things which contribute to greatness and renown, will not permit the firmly established and widely promulgated principles of justice to be trodden down by the authorities of any people, no matter in what cause they fight, or against whom their arms are directed.

The undersigned avails himself of this occasion, to renew to Mr Webster, the assurance of his high consideration.

(Signed) JAMES REILY

Hon DANIAL WEBSTER
Secretary of State of the United States.

WEBSTER TO REILY.[a]

REILY TO JONES.[b]

Despatch No. 82

LEGATION OF TEXAS,
Washington, April 7th 1842

Hon. ANSON JONES,
Secretary of State of Texas,
SIR,

I have now the honor to submit copy of Mr Websters reply to my communication of 28th Ulto. with accompanying note from Secy of War.

Mr Webster to Mr Reily

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of the 28th Ultimo from Mr Reily, the Chargé d' Affaires of Texas. The undersigned has the honor to acquaint Mr Reily, that extracts from those parts of it which relate to an improvement of the commercial intercourse and of the communication by Post between the two countries have been submitted to the consideration of Congress by the President

In relation to the subject of the Indians of the United States on the Texan Frontier, the undersigned has the honor to transmit a copy of the instructions which have been given by the Department of War to General Z Taylor, in command of the troops of the United States in that quarter those instructions will afford another proof of

[a] April 7, 1842. See Reily to Jones, April 7, 1842.
[b] L. S.

the desire of this government scrupulously to fulfil its obligations towards Texas [a]

The treatment to which citizens of the United States, who were captured with the Texan expedition to Santa Fé, have been subjugated in Mexico, has received and will continue to receive all proper attention from this Government

The undersigned avails himself of this occasion to offer to Mr Reily renewed assurances of his distinguished consideration.

(Signed) DANL. WEBSTER.

DEPARTMENT OF STATE
Washington 7th April 1842.

[Here follows a copy of Spencer to Taylor, March 26, 1842.[b]]

You will perceive from the foregoing that due attention has been paid to my communication of the 28th Ulto to this Government. I hope to have something interesting to communicate shortly upon the subject of improved commercial intercourse Santa Fe prisoners etc

Most Respectfully
Yr. Obt. Servt.

JAMES REILY.

MCKINLEY TO WEBSTER.[c]

REILY TO JONES.[d]

Despatch No. 83

LEGATION OF TEXAS,
Washington, April 14th, 1842

Hon. ANSON JONES,
Secretary of State of Texas,

SIR,

Having dispatched several letters to your Department by the way of New Orleans and which were highly important, but having received no notification whatever of their arrival, I have deemed it advisable to send the Secretary of Legation, N. Amory Esq to make inquiries about the despatches and also bear this one to your hands. Although I have several times urged upon the Hon. Secretary of State the necessity of a Treaty of Amity, Navigation and Commerce

[a] This paragraph is printed in U. S. Pub. Docs., 660, Doc. 14, p. 74.
[b] See Calendar.
[c] April 9, 1842. See Underhill to Jones, April 27, 1842.
[d] L. S.

between the United States and Texas, yet the matter is still postponed, nor do I believe there is any possibility of its consideration until something definite is concluded, between Lord Ashburton now here on a special embassy from Great Britain and the Government of the United States. Independent of this all absorbing mission, pregnant with the most stupendous results, and which must either terminate in a firm and lasting peace or a protracted and sanguinary war between the two nations are the unsettled affairs of Mexico against whom I feel assured this Government is determined to proceed with firmness promptitude and decision. I have most closely and strictly obeyed the instructions communicated to me from your Department upon the subject of Annexation, and now communicate the result of my observations. I feel satisfied fully that the administration is decidedly in favor of the policy, and that the Question is a popular one with Congress; as to what would be the majority in the Senate should that body be called upon to act, it is impossible to say two thirds of the Senate being the majority necessary to consumate treaties. Texas is fast increasing in reputation and character, and by many Northern men is viewed as a country which would be a valuable acquisition to the United States. I am led to believe that one great reason why the negotiation of a Treaty has been postponed and still delayed is, because the administration wishes to make but one Treaty, and that a Treaty of Annexation. It would relieve me very much to learn from the Department whether I shall suffer matters to glide along quietly until the United States Government decides upon the policy of Annexation, or whether the consideration of a Treaty of Amity, Navigation, and Commerce shall be pressed. The United States Minister at Mexico has gone with positive orders to demand the restoration of the American Santa Fé prisoners, the treatment according to the rules of War of our own unfortunate sufferers, and I believe the prompt and immediate liquidation of the monies due citizens of the United States from the Mexican Government. It is the impression that the United States will receive in lieu of the sums due from Mexico a quit claim on her part, of the Texan Territory, and then treat with us for annexation, I do not vouch for this, but advise you that such rumors are afloat and very well authenticated, in order that I may receive instructions, and the proper authority to act in accordance with your instructions, so soon as the response of Mexico shall have been learned and which must transpire in a short time. My chief object in despatching this letter by a special Agent is to communicate the results of my investigation as to the truth or untruth of the rumors apparently well authenticated, that Great Britain was furnishing money, supplies etc to Mexico for the subjugation of Texas. My labors have at last this morning been most satisfactorily ended, through the medium of the Hon.

Henry Clay of Kentucky, who for the sake of Texas has had an interview with Lord Ashburton special Minister from Great Britain, and Mr Fox Minister Resident on Wednesday the 13th instant. The terms of great personal intimacy on which he stands with both individuals, and his friendly and long continued relations with Lord Ashburton especially, made him the best qualified person to find out the truth of the rumors. Their communications Mr Clay informed me, were perfectly unrestrained, and given with great apparent candor. Lord Ashburton peremptorily disclaimed any interference of the British Government in behalf of Mexico, and that the British Ministry he said would as soon aid Old Spain in again subjugating the Low Countries, as to aid Mexico in reconquering Texas. Mr Fox remarked that Great Britain would much rather interpose to bring about a peace between Texas and Mexico than to aid Mexico in her attempts upon Texas, and that the Crown without the consent of Parliament, could not make advances of either money, ammunition or supplies to Mexico. Lord Ashburton farther added, that Great Britain would sooner expect Texas to Conquer Mexico, than Mexico Conquer Texas, and that if the Mexican Government had obtained any money at all, it was as all others obtain it, by loans. Both disclaimed in positive terms again, and again, any interference on the part of Great Britain, in favor of Mexico. These statements I have not one hour ago received from Mr Clay, who sent for me and gave the conversation between himself and the Gentleman named. My own apprehensions are very much relieved, and I obtained the permission of Mr Clay to use the name of himself and Lord Ashburton and Mr Fox in my communication to the Texan Government, but the Department will see the *great propriety* on account of the *names of the Gentlemen concerned* of *keeping* them from the public eye, but still easing the minds of the Citizens by giving a general and authentic denial of the rumors set on foot in Texas, New Orleans and elsewhere, and the too great credence of which does our nation a vast amount of harm. I must again call the attention of the Government to the necessity of furnishing the Legation at this point with the laws of last Congress, as use is found for them almost every day. I would also most earnestly press upon the consideration of the Secretary of State, the necessity during the present interesting crisis of keeping this Legation advised of the various movements of the army, events concerning the national welfare that occur, and of every thing important to Texas and interesting to its Representative, this course would prevent the mortification to which I am frequently subjected, by being unable to answer questions of importance to Texas and asked by the Government here, and on which your Representative here ought not to be ignorant. Frequently I have confessed my entire ignorance upon subjects relating to Texas

and of deep interest, and perhaps the next morning see the facts or information contained in the public journals. The Department of State has heretofore been informed that my request to allow Texas the free use of the conterminous rivers and the right of entrepot in United States Ports and drawback on goods foreign to the United States, entering by routs other than sea and also arrangements for the transportation of the mails between the two countries had been laid before Congress as a special message of the President and referred to the Committees on Commerce and Post Offices. I hope soon to communicate a favorable result in regard to these matters so deeply interesting to Texas

With Sentiments of high respect
Yours

JAMES REILY.

[Here follows another letter from Reily to Jones, relating to Amory's salary, written on the same sheet and dated April 16, 1842.]

REILY TO JONES.[a]

EVE TO ROBERTS.[b]

REILY TO WEBSTER.[c]

ROBERTS TO EVE.[d]

WEBSTER TO REILY.[e]

UNDERHILL (FOR MCKINLEY) TO JONES.[f]

NEW YORK *27 April 1842.*

To the
Hon ANSON JONES,
Secretary of State, Texas,

SIR

Annexed I hand you a copy of a letter addressed by me to the Hon. Danl Webster, Secretary of State U. S. to which I have re-

[a] L. S., dated April 16, 1842. See Reily to Jones, April 14, 1842.
[b] April 20, 1842. See Calendar.
[c] April 21, 1842. See Reily to Jones, April 28, 1842.
[d] April 23, 1842. See Calendar.
[e] April 25, 1842. See Reily to Jones, April 28, 1842.
[f] A. L. S.

ceived an answer stating that he would comply with the request therein contained.

Respectfully,
Yours
for W. McKinley

W. S. Underhill.

New York *April 9th. 1842*

To the Hon
Daniel Webster
Secretary of State etc

Dr Sir

I take the liberty as an American Citizen to address you in your official capacity and to request that you would notice through the Texan Secretary of State the disinterested and generous conduct of Come. Moore in rescuing the lives and saving the property of the Master, Crew, and passenger of the Schooner Sylph which was wrecked January 19th. on her passage to Sisal, and the transportation of the Cargo saved to the above port.

Although Com Moore and his squadron were 75 Miles from the shoal when the wreck occurred yet on receiving intelligence of the disaster of an American vessel and the danger of the persons on board he immediately got under way and repaired with his vessels to the spot, received the Master, passenger, and Crew on board, took out the Cargo and transported them to Sisal and with the generosity of a true Sailor after his arrival there when he found there would be no immediate opportunity for the return of the crew to their own land despatched one of his own vessels with them to New Orleans

It is but justice that Com Moore should not only receive the thanks of an individual but that official notice should be taken of his conduct on the above occasion inasmuch as that we were saved from imminent peril by the timely appearance of his vessels and as American Citizens received his protection and assistance in our hour of danger and time of need and we feel that it is not asking too much to request of you to acknowledge to the Texan Secretary the benefits conferred upon any of the Citizens of the happy land in which we live especially when those benefits are conferred with disinterested motives and without the hope of any fee or reward other than the satisfaction experienced by rescuing from danger and peril persons advocating the same lofty principles of Liberty for which he is contending and which it is to be hoped will terminate in success

With the highest sentiments of respect—

Wm. McKinley *late M Sch Sylph*

REILY TO JONES.[a]

Despatch No. 84.

TEXAN LEGATION, *April 28th. 1842.*
Washington City D. C.

Hon ANSON JONES
Secretary of State, Texas.

Sir—

The undersigned has the honor of submitting the following correspondence, and the results thereof between the Hon Secretary of State of the United States and himself.

TEXAN LEGATION, WASHINGTON
April 21st. 1842.

The undersigned Chargé d' Affaires of the Republic of Texas would most respectfully beg leave to call the attention of Mr Webster Secretary of State of the United States to the consideration of the points submitted in September last by Mr Bee, former Texan Chargé d' Affaires, as the basis of a Treaty between Texas and the United States, and requests that he would designate a day (and soon as possible) when he will be ready to enter upon the consideration of the subject.

With sentiments of high respect
Yours

JAMES REILY

Hon DANIEL WEBSTER
Secretary of State
of the United States.

Mr Websters reply.

The undersigned Secretary of State of the United States, has the honor to acknowledge the receipt of the note of the 21st. Inst. from Mr. Reily Charge d' Affaires of Texas requesting the appointment of a day for the consideration of certain points submitted by Mr Bee in September last as the basis of a treaty between the United States and Texas

The undersigned has the honor to acquaint Mr Reily in reply that he will be happy to see him at the Department whenever he may call.

DAN. WEBSTER.

DEPARTMENT OF STATE
Washington [City,] 25. April 1842
To JAMES REILY Esq
etc etc etc.

[a] A. L. S.

Shortly after the reception of Mr Websters note, and on the same day I repaired to the Department and had an interview with the Hon Secretary of State, and commenced our conversation by informing him of the reception of his note, in reply to my own of the 21st. inst, and trusted he was ready to proceed to the adjustment of the points submitted. In reply he remarked, that he had not yet been permitted to refresh his memory with the matters submitted by Mr Bee, nor could he perceive any necessity for pressing the subject, but stated that if there was any particular matter or subject which required immediate attention he would attend to it. I then observed that there were many important and unsettled matters between Texas and the United States which required adjustment, such as the Indian relations, the free navigation of Red River, the use of certain ports in the United States as entrepots for the products of Texas, free from duties, and from vexatious and unnecessary delays in Custom Houses of [the] United States and of the right of drawbacks upon goods foreign to the United States transported into Texas from Ports of [the] United States. The Indian relations I confessed had been regulated by the late prompt action of this Government in concentrating a force of troops much increased upon the Louisiana and Arkansas lines bordering upon Texas, but that large amounts of cotton and other Texan products had been locked up, for the want of some stipulations either by Treaty or legislation, permitting their descent by the conterminous Rivers to points to which they would naturally flow. The subjects of entrepot as well as of *drawbacks* had been recommended, suggested, Mr. Webster, to Congress in a special Message of the President, and that he would willingly and readily aid me in removing difficulties which prevented the accomplishment of my desires. Our conversation then turned upon the necessity of a treaty, in order to regulate tonnage duties, define consular rights, and secure the claims of those entitled to inheritance and succession of citizens of the two Governments dying whilst on a visit to either of the nations, and once more reviewing the subjects of the free navigation of the conterminous rivers and of drawbacks, Mr Webster informed me that he would consider the points and in a short time he trusted to be able to enter fully and definitely into the consideration of the subject.

Altho meeting with a reluctance on the part of the Secretary of State to conclude a treaty, yet I do not refrain nor cease to urge upon the favorable consideration of members of Congress and especially of the members of the Committee on Commerce, the requests contained in my letter to the Department of State, as regards right of drawback and entrepot in Ports of the United States, and the extracts of which letter touching upon those points were submitted to the consideration of Congress accompanied by a special Message of the President. The

delegations from the States of Louisiana, Alabama, and Mississippi most interested are decidedly favorable to the measure so important to Texas, and in fact I have met no opposition from any of the cotton and sugar growing States. The only point of difficulty likely to be started, is that if the privilege be conceded to Texas, it must be general to the whole world. However we trust to succeed.

On yesterday by invitation of Captain Newton of the War Steamer Missouri, the Diplomatic Corps visited that truly magnificent vessel. We were received with great civility and kindness, not only by the officers of the vessel, but also by the courteous and able Secretary of [the] Navy Judge Upshur, and were conducted through the ship for the purpose of examining the armament, machinery, arrangements, and construction of the vessel. The visit passed off in the most satisfactory manner, and was increased in pleasure so far as I was concerned, from the friendly spirit which I found entertained by many distinguished characters present towards Texas, and the reiteration personally to me by Lord Ashburton, that Great Britain had not intermeddled nor had the Government any disposition so to do, between Texas and Mexico. He made various inquiries about the extent of territory wealth, climate, products, resources and prosperity of Texas, all of which it gave me great pleasure to answer. I feel no hesitancy in condemning as false all rumors of British interference in the contest between Texas and Mexico.

Permit me again to call the attention of the Hon Secretary of State to the recommendation made a few days since through this Legation for the appointment of Asa A. Brown Esq. as Consul for Texas at Wilmington North Carolina.

With sentiments of great consideration
Yours

JAMES REILY

REILY TO WICKLIFFE.[a]

EVE TO JONES.[b]

EVE TO JONES.[c]

[Enclosed are: a Choctaw to Pitchlynn (extract), February 9, 1842; and Pitchlynn to Spencer, March 25, 1842.]

[a] May 4, 1842. See Reily to Jones, May 21, 1842.
[b] A. L. S., May 9, 1842; endorsed "No. 4." See Calendar.
[c] A. L. S., May 9, 1842; endorsed "No. 5." For the letter and enclosures see Calendar.

Waples to Reily.[a]

Department of State
Houston 12th May 1842

Sir,

Your several despatches of 11th 28th[b] and 29th March, 7th and 14th April have all been received and laid before his Excellency the President, who has instructed me in the absence of Doct Jones, Secretary of State to reply,—with regard to your course relative to the negotiation of a Treaty, the President wishes you not to act hastily, and desires that you "suffer matters to glide along quietly until the U States Govt decides upon the policy of annexation." He does not under existing circumstances and the excitement at present raging in this country deem it of vital importance to the country to have this Treaty concluded; therefore the instructions given you on your departure as a guide relative to annexation contain the course of policy he wishes you to pursue.

[c] * * * * * * *

I have the honor to be
very Respectfully
your obt. Sevnt

Joseph Waples
Actg Secty. State

To Honl. Jas. Reily
Chargé d'Affaires
etc etc

Wickliffe to Reily.[d]

Reily to Jones.[e]

Despatch No. 86.[f]

Mr Reily to Mr Wickliffe

Texan Legation
Washington May 4th 1842

The undersigned, Chargé d'Affaires of the Republic of Texas, would beg leave most respectfully to call the attention of the Hon.

[a] A. L. S.
[b] No despatch from Reily of this date has been found.
[c] The remainder of the letter relates to Amory's salary.
[d] May 18, 1842. See Reily to Jones, May 21, 1842.
[e] Reily to Wickliffe and Wickliffe to Reily copied; the remainder written and signed by Reily. Note that the transcribed copies come first in order.
[f] No. 85, dated May 14, 1842, relatets wholly to Reily's financial affairs and is therefore omitted.

C A Wickliffe, Post Master General of the United States to the consideration of some plan whereby the prompt and certain interchange of letters, papers etc by mail between Texas and the United States can be effected; of the importance and necessity of such an arrangement I need not speak. The Post Office at New Orleans, from the position of that City, being as it is in almost daily intercourse with not only Galveston and the Coast by Steam Ship navigation across the Gulf, but with Eastern Texas through the medium of the numerous Steam Boats on Red river, could be made a point where mail bags could both be received from, and sent to Texas, either by the way of Galveston or Natchitoches, with but little trouble. It would be received as a great favor if the Post Master General would submit a plan which he would be willing to adopt, so that I may advise the Government of Texas and see if it meets with approval, and shall be prepared soon as the views of The Texas Government are obtained to act definitely upon [the] matter.

(signed) JAMES REILY

Mr Wickliffe to Mr Reily

POST OFFICE DEPARTMENT, *18th May 1842.*

To JAMES REILY Esq *Chargé d'Affaires of Texas, Washington D. C.*

Sir; I have the honor to acknowledge the receipt of your letter of the 4th inst, relative to the interchange of mails, between Texas, and the United States. After making the suggestion that New Orleans, be adopted as the channel of transmission, you ask, that this Department propose a mode of interchanging the mails, which it would be prepared to adopt that you may submit to your Government for its consideration and sanction.

Agreeably to this request I offer the following scheme;

1st to order all letters, newspapers and other mailable matter in the United States, for Texas, to be mailed for New Orleans—as well unpaid as prepaid matter.

2d. To require the Post Master of New Orleans, to forward those mails to Galveston, in Texas, by such mode of conveyance as shall be pointed out by the Post Master General of Texas; or, by the private or public ships, of either country, as opportunities may offer, without any further charge of postage on the part of the United States than what arises on the transit of these mails to New Orleans.

3d. That the United States postage of all such mails be charged to the Government of Texas, in an account kept at the New Orleans Post Office, against the Post Office of Galveston.

4th That the Post Master General of Texas shall pay over quaterly to the Post Master Genl. of the United States, all postages so charged

against the Galveston Post Office, excepting so much thereof as has not been collected, to be shown in the accounts to be rendered to belong to dead matter that has not been delivered, to be remitted to this Department quarterly in specie or equivalent at New Orleans.

5th All mail matter in Texas, for the United States, to be mailed at Galveston, and thence forwarded to New Orleans, by ship or in such other mode as this Department shall prescribe. But it is to be understood that this Department cannot collect the Texas postage on such mail matter, except that for the delivery of New Orleans; The great number of Post Offices in the United States, rendering it impossible to execute an arrangement, that would be fully reciprocal in this respect.

6th The Post Master General of the United States will collect, and account for, the Texas postage on letters to the New Orleans delivery, and remit to the Texan Post Office Department in specie or its equivalent at Galveston, quaterly, deducting the usual Commissions alowed by law to the P Mr. of New Orleans.

The letters coming from Texas to New Orleans, will be chargeable with Ship postage, 2 cents per letter, in addition to the regular rates, from New Orleans to the place of destination in the United States; Whether a similar charge be made on the letters going from New Orleans to Galveston, is a matter to be determined by the Authorities of Texas. An exchange of locks and keys between the New Orleans and Galveston Post Offices is to be made.

Regular Commissions, similar to what are allowed the United States Post Masters, will be allowed to the Post Master General of Texas, in the settlement of his quaterly accounts with the United States, on all postages collected and paid over by him to this Department

The foregoing is similar in all respects except that no Canada postage is collected in the United States, to the arrangement existing between this Department and the British Post Offices of North America, for the exchange of mails between this Country and Canada, arrangements that have been carried on for many years, and still continue, in successful and harmonious operation.

With Sentiments of respect
Your Obt Servt.

(Signed) C. A. Wickliffe
P. M. Genl. U. S.

Texan Legation *May 21st. 1842*

Sir—

I trust the plan proposed will meet the approbation of the Government, and the very moment I am authorized to inform the Post Mas-

ter General of the United States that the plan submitted has the sanction of my government, it will be carried into operation, and thus enable a free intercourse by mail to be kept up between the two nations. I struggled hard to get a point of intercommunication established in the East, but at present could not succeed. It may be gained in the course of time. For the present all mailable matter unpaid must go through New Orleans and the postage due the United States must be collected in gold or silver or its equivalent, whilst the postage due [the] Texas Government can be collected as heretofore. This has been a desideratum anxiously sought by our fellow citizens and I trust the matter will meet immediate attention and I shall be favored with a prompt reply, as the Post Master General will act immediately upon my answer.

I also beg leave to call the attention of the Department to my letter of the 14th. of May and await a reply with great anxiety and request that it be numbered as despatch No. 85.

With sentiments of highest respect

Yours JAMES REILY

To Hon

ANSON JONES

Secretary of State of Texas

P. S. All news from Mexico is favorable to Texas, shewing that miserable country is in a state of impoverishment, on the eve of revolt, and utterly unable to strike a blow against the safety or liberty of our land.

J. R.

BOCANEGRA TO WEBSTER.[a]

JONES TO EVE.[b]

JONES TO REILY.

DEPARTMENT OF STATE

Houston June 7th 1842

Hon. JAMES REILY

Charge d'Affaires

etc etc

SIR

Your several despatches marked Nos. 84 85 and 86 were duly received and have been laid before his Excellency the President.

[a] May 31, 1842. See Reily to Jones, July 11, 1842.

[b] June 6, 1842. See Calendar. The letter is printed under date of June 7.

The Archives of the Nation (etc as in the letter to A. Smith[a]) Enclosed I forward you the Commission of Thos. H. Airey as consul of this Republic for Nachitoches, on which you [will] apply for the usual Exequatur. The commission is some what unusual in form as there were none of the usual blanks.

[b] * * * * * * *

The proposition made by the Hon Mr. Wickliffe Post Master General of the United States relative to a mail arrangement between the two countries is now under consideration by the office having immediate charge of the Post Office Bureau, in this Department, and an answer will be transmitted you at the earliest convenience

Resp y, etc

ANSON JONES

HOUSTON TO BOYLAN.[c]

PROTEST OF MEANS AGAINST THE SEIZURE OF THE RETRIEVE.[d]

AFFIDAVIT OF BARTON AS TO THE FACTS IN THE CASE OF THE RETRIEVE.[e]

REILY TO JONES.[f]

Despatch No. 88.[g]

LEGATION OF TEXAS WASHINGTON
June 24 1842

Hon ANSON JONES
Secretary of State
Texas.

SIR—I have the honor to acknowledge accompanying your despatch of the 7th of June the commission of Thomas H. Airey Con-

[a] This parenthetical direction indicates that there was copied in the original from the letter of Jones written the same day to Ashbel Smith, Texan minister to England and to France, the following paragraph:

"The Archives of the Nation being still retained at Austin in opposition to the orders of the Executive, and the derangement of this department consequent upon a removal under such circumstances as well as the want of suitable offices for the transaction of public business, and the necessary absence of the Clerks, render it impossible to write you as frequently as would be desirable."

[b] Here are omitted several paragraphs relating to Reily's salary.

[c] June 17, 1842. See Eve to Waples, August 16, 1842.

[d] June 18, 1842. See Eve to Waples, August 16, 1842.

[e] June 20, 1842. See Eve to Waples, August 16, 1842.

[f] A. L. S.

[g] No. 87, dated June 22, 1842, relates entirely to Reily's financial affairs and his desire to resign, and it is therefore omitted.

sul of Texas for the Port of Natchitoches, La. It shall be immediately attended to.

The plan submitted in my despatch of May 3d. and numbered 86,[a] for the transmission of mails between Texas and the United States, I trust will meet the approbation of the Government. The Post Master General asked me a few days since if I had received an answer from home upon the subject. It will go into operation the very day I am authorized to give notice of your assent.

Sometime since I assumed the responsibility (believing it would meet the sanction of the patriotic Executive and cabinet of the Texas Government), to propose to the President and Secretary of State here, the propriety and justice of the United States as the leading power on this continent mediating between Texas and Mexico. They both informed me of their disposition and willingness to accede to my request, and Mr Webster desired me to write him a note which I might make strictly private and confidential if I saw fit, upon the matter, but which would serve as a justification for the action of this government. I did so and proposed that these alternatives be submitted for the consideration of the Mexican authorities. 1st The recognition of the Independence of Texas, with the acknowledgment of her limits as defined in the act of Congress of December 19th. 1836. If this was refused, then 2ndly. the recognition of her independence leaving the question of limits to be settled by future negotiation stipulating for a cessation of all hostilities until that question was settled. If unwilling to recognize Texas, then 3dly. An armistice or cessation of all hostilities for five years or longer and which hostilities are not to be renewed without notice being given by the party intending to renew them of at least twelve months of such renewal and the notice of renewal to be officially made through the United States. I also to my letter or note added a copy of the treaties and promises entered into by Santa Anna in 1836. On Wednesday last I called upon Mr Webster to learn what action the cabinet had taken and was informed by Mr Webster that the President and cabinet were extremely desirous to bring about a peace between the two countries and that if I would call the next morning I would be permitted to read the despatch he had prepared for Mr Thompson Minister at Mexico. Yesterday morning according to appointment I called at the State Department and was favored with a perusal of the despatch It is a clear, manly and strong document, instructing Mr Thompson to offer the mediation of this Government between Texas and Mexico and urging with irresistible reasoning the hopelessness of Mexico ever reannexing or reconquering Texas, and the absolute necessity of peace between the two countries. Mr. Thomp-

[a] The date of this despatch was in fact May 21.

son is charged in the most positive and unequivocal terms to convince Mexico of the justice and necessity of our acknowledgment as an independent nation and to do all he possibly can to obtain her consent to the mediation offered by the United States. Last evening I met Mr Webster at the house of Hon. J. C. Spencer Secretary of War and also Hon A. P. Upshur Secretary of the Navy and by all of them was informed of their extreme solicitude that peace should be restored between the two governments and the deep anxiety which as individuals and cabinet they felt on the subject and that the Executive and cabinet officers would press upon Mexico the favorable consideration of their mediation. Mr Webster further informed me that a despatch would be forwarded to Mr Eve then Chargé in Texas, with instructions to offer the mediation of this Government to Texas. I can not but express my deep anxiety that the generous and humane proposition offered by this Government, will be accepted by both belligerents and the blessings of peace established. Every day convinces me more and more of the great injury Texas is suffering from the excitement under which she is now laboring and the continued rumors of war that are sent abroad. The world is ignorant of the relative situations of Texas and her cowardly foe, and know not how invincible are her liberties against the efforts of Mexico. The rumored preparation of war by both nation[s] goes out, injuring our trade, destroying any credit we might otherwise gain, and stops the emigration of laborious mechanics, industrious farmers, and men with capital. They will not risk themselves and their property in a community where they are liable at any hour to have their business broken up and themselves marched to the field. Mr Horsley Palmer the well known English Banker informed me last evening, that the late excitement in Texas had deterred some hundreds of industrious and good citizens in England from emigrating, who had determined this spring to move to Texas and who would have proved a valuable acquisition to our population.

No sensible man who knows anything about Mexico, believes that she has the least idea of again invading Texas, but all our friends dread the consequences of an invasion on our part, unless Texas has an abundance of treasure and can march a large and well appointed army with supplies that would render it independent of the necessity of hunting for them in the enemys land. The information derived from the Hon Powhatan Ellis late Minister to Mexico and now here, is similar to what I have before communicated about the intentions of Santa Anna as regards Texas. He speaks confidently that he has not the least idea of again perilling his arms on our plains, but aims at despotism at home and for this purpose [has] gathered all the force he can. I myself from all I can learn am the more convinced that Mexico has no idea of marching upon Texas, and this too after hear-

ing and reading all the rumors now afloat about the concentration of troops on the Rio Grande frontier, in the City of Mexico and even the purchase of ships and war steamers.

You will perceive the propriety of keeping this despatch from the public eye, until some thing definite occurs in regard to the proposition made by the United States, as its development or publication might displease her President and officers and embarrass the operations of those so ready to serve us. And as it will be impossible for the response of the Mexican authorities to the proposed mediation to arrive here until after the first of August, upon which day my resignation as you have been previously advised takes effect permit me most respectfully to suggest that no time be lost in despatching my successor to this point, so as to be able to act promptly in the premises and give intelligence to the Government at home of the determination of Mexico and the future course of the United States. I have no disposition to remain until the first of August if I can be sooner relieved, but it is highly important that as various matters of deep and vital interest to Texas both as regards her relation with Mexico and her commercial relation with the United States are now situated my absence should be immediately supplied with an active and influential person, or the advantages we have gained may be lost.

It will be impossible for several weeks and perhaps not until after the adjournment of Congress to get Mr. Webster to enter upon the consideration of a treaty He is now absorbed and weighed down with the negotiation of the great questions at issue between the United States and Great Britain. I solicited his att[ention[a]] the other day to the necessity of a treaty defining our commercial relations, but he informed me it would be utterly impossible to take up the matter for sometime yet. Before the Committee on Commerce in both Houses and with several members I do not fail to press the adoption of laws which will secure to Texas, and especially the people who must use the Sabine and Red Rivers as their outlets to market the right of landing for exportation free from duty, (if not for sale which I also hope to gain) all their products. I have the honor to believe that from my exertions the bill allowing the right of drawback upon certain goods will be so amended as to secure the benefit of drawback no matter whether the goods are carried into Texas by sea, river or overland. This is important to our trade, and should have some one here to urge it to perfection.

Will you have the kindness to have my despatch dated June 22nd, numbered as 87.

With sentiments of highest respect
Yours

JAMES REILY

[a] Obliterated.

O'NEAL TO CHIEFS OF CHOCTAWS AND CHICKASAWS.[a]

EVE TO JONES.[b]

UPSHAW TO ABBERSON.[c]

REILY TO JONES.[d]

Despatch No. 89.

LEGATION OF TEXAS WASHINGTON
June 11th. 1842.*
* intended for July 11th[e]

Hon. ANSON JONES
Secretary of State
Texas

SIR—My last despatch dated June 24th and numbered 88, I trust has safely reached you, containing as it does, the information of the offered mediation of the United States between Texas and Mexico. Since that time matters between Mexico and the United States have assumed rather an unfriendly aspect. A debate is at this moment going on in the Senate, upon the language used towards this government in a letter hereto attached, from the Mexican Minister to the Secretary of State of United States. I was informed the other day by the President that he did not see how a war between the United States and Mexico could be avoided.

I again recently urged both upon Mr Webster and the President the necessity of taking up the subject of a treaty between [the] United States and Texas but by both was informed of its utter impossibility at present. There are no hopes of its consideration until after the adjournment of Congress, altho I shall press its consideration again before the first of August.

With the President I recently had a full and free conversation upon the subject of annexation. He remarked "that he was anxious for it, and wished most sincerely he was able to conclude it at once". The only fear is its non-confirmation by the Senate, two thirds of that

[a] Undated, but written probably during the latter part of June. See Eve to Terrell, September 5, 1842.
[b] A. L. S., July 2, 1842. See Calendar.
[c] July 5, 1842. See Eve to Terrell, September 5, 1842.
[d] A. L. S.
[e] Note apparently by Jones.

body being necessary to consummate a treaty. We are now casting about to ascertain the strength of the friends in the Senate, for annexation. There is a majority, but whether it amounts to the number requisite is doubtful. The President would act in a moment, if the Senate would assent. Please permit me to suggest that your representative here should be clothed with plenary powers not only to make a commercial treaty, but treat for and conclude annexation, and also to enter into a treaty of alliance both offensive and defensive. The mere letter of credence, and commission to form a treaty of amity, navigation and commerce, will not avail either for a treaty of alliance offensive and defensive with the United States, if this Government and Mexico should become embroiled, or of annexation if the President decides to attempt it. Satisfied as I am of the sentiment of the administration towards Mexico, and the desire to annex Texas, I would urge that you clothe your Representative here with powers sufficient to act at once, should the emergencies arise which I believe are fast hastening to a crisis.

Last Tuesday I dined with Lord Ashburton and he again assured me that the rumors of Great Britains interference were false. He remarked "that I might rest assured that if Great Britain interfered at all it would be to make peace, instead of assisting Mexico." The positive language used by Sir Robert Peel in the British Commons as to the recognition of the Texan Blockade of Mexican ports by the British Government, and his intention to urge the ratification of the treaties between Texas and Great Britain are evidences of the falsity of the rumors of British interference and go to sustain the repeated declaration made to Mr Clay by Mr Fox and Lord Ashburton, and to me by Lord Ashburton of the non interference of the British government between Texas and Mexico.

On Saturday morning last I received a letter from Hon Ashbel Smith, dated London June 6th, and giving the extract of a letter from Liverpool, informing him of the building and equipment of a fine Iron Steam Frigate for the Mexican Government and which would put to sea in a few days. She was built by a Mr John Laird. Mr Smith had offered his protest to Lord Aberdeen. Mr Smith informed me he had called the attention of the Texan Government to the subject. I laid the letter before the President here, considering it advisable so to do under the present circumstances. The President informed me that the Steam Frigate Mississippi would be ordered immediately to the Gulf.

On the 30th day of June I had the honor of transmitting to T. H. Airey Esq his commission as Consul for Natchitoches La. The Exequatur was issued by the President of the United States on the 29th ult.

I have the honor to transmit the enclosed letter from a Mr. John R. Chenault and inviting the attention of the Government to its contents.[a]

On yesterday the Hon Mr Daingerfield called upon me and requested me to inform the Government that he was actively engaged in prosecution of the loan.

In my despatch dated March 11th and No. 79 I requested the appointment of Asa A. Brown Esq of Wilmington North Carolina consul at that point, and forwarded the letter upon which the request was based. I have subsequently called the attention of the Government to that request but have not had the honor of the least information on the subject.

With sentiments of highest respect
Yours

JAMES REILY

[Enclosed is a clipping from the New York Journal of Commerce, containing Bocanegra to Webster, May 31, 1842.[b]]

WAPLES TO EVE.

DEPARTMENT OF STATE
Houston 22th July 1842

Honl Jos EVE
Chargé d'affaires
of the United States
To Texas

SIR

The undersigned Acting Secretary of State of the Republic of Texas, has the honor to acknowledge the receipt of the note of the Honl Mr Eve, Chargé d'affaires of the United States of the 2d instant, on the subject of one of the war vessels of this Government, having under the Proclamation of the President, captured near the mouth of the Mississippi a trading vessel, claimed by the master and owner to belong to citizens of the United States and sailing under the colors of the United States, on its passage from New Orleans to Mexico etc.

The undersigned would respectfully state to the Honl Mr Eve, that he is under a misapprehension with regard to the alledged capture having been made by one of the war vessels of this Government under the Proclamation of blockade. The said trading vessel was captured by a commissioned private armed vessel, and brought into the Port

[a] This letter has not been found.
[b] See Calendar.

of Galveston for adjudication, she having on board articles contraband of war, and bound to an enemy's port. And even admitting the capturing vessel was an armed vessel of Texas; under the article of the Treaty referred to by the Hon Mr Eve, the capture and detention of the vessel is legal, for it is well known that long previous to the vessel in question having sailed from the Port of New Orleans the Proclamation of blockade was promulgated in that Port, and, at the time of her sailing Texas had a squadron on the Gulf amply efficient and capable of preventing the entrance of a neutral vessel into any of the Ports of Mexico; and by reference to the 23d article of the Treaty between the United States and Mexico, referred to in Mr Eves note, he will see that when one of the parties should be engaged in war, the vesesls belonging to citizens of the other must be furnished with sea letters or passports, together with a certificate or manifest, containing the several particulars of the cargo, and without such passports or certificates the vessel may be detained to be adjudged by the competent tribunal, and may be declared a legal prize. It appears from information (verbal) received at this Department that the vessel referred to, had not the requisite certificates of her cargo at the time of her capture or if she had they were not produced to the commander of the Privateer:—for I have learned from good authority that the contraband articles found on board, were not entered on her certificate or manifest made out by the officers of the place from whence she sailed. It is well known to Mr. Eve that Texas has since 1836 been engaged in a war with Mexico, and I presume he is aware of the existence of a law of Texas admitting the granting of letters of Marque and Reprisal; which authorizes the President to grant commission to privateers, and under the provisions of that law the vessel referred to in Mr Eves note was commissioned; and in accordance with the article of the Treaty above referred to the trading vessel claimed as belonging to citizens of the United States is detained for adjudication. The Court of Admiralty will ere long have decided the legality of the capture and detention of the said vessel, when this Department will take pleasure in informing the Honl Mr Eve of the result.

With regard to your suggestions to the Secretary of State that the commander of the blockading squadron should be instructed to strictly adhere to the principles of the Treaty between the United States and Mexico, I have the honor to say, that such instructions have been given by the President to Commodore Moore, who will doubtless strictly observe them.

With renewed assurances of high consideration I have the honor to be your most obt serv

Jos Waples
Acting Secty of State.

P. S. Your note should have had an earlier reply, but that we have been daily expecting Doct Jones, Secty of State here, who we now learn is detained on % of sickness

Yours

JOS WAPLES

RHODES TO JAMES AND DELESDERNIER.[a]

REPORT OF JAMES AND DELESDERNIER CONCERNING THE RETRIEVE.[b]

ACCOUNT OF MEANS FOR DETENTION OF THE RETRIEVE.[c]

CERTIFICATE OF APPLEMAN TO ACCOUNT OF MEANS.[d]

WAPLES TO VAN ZANDT.

DEPARTMENT OF STATE
Houston 26th July 1842

Honl. ISAAC VAN ZANDT

SIR,—Herewith you will receive a commission as Minister Chargé d'affaires of Texas near the Government of the United States, with a letter of credence to the Secretary of State of the United States,—on presenting which you will avail yourself of the occasion to offer assurances of the ardent desire of the President for a continuance of that friendship now so happily existing between the two Governments.

On your arrival at Washington City, you will call on H. M. Morfatt[e] Esq and from him receive the papers and archives of the Legation with whom Mr Reily left them, and for which you have an order.

The President does not deem it necessary at present to give you any specific instructions, but that you will be governed by those furnished your predecessors (which you will find on file at Washington) until others may be forwarded to you from this Department.

[a] July 22, 1842. See Eve to Waples, August 16, 1842.
[b] July 23, 1842. See Eve to Waples, August 16, 1842.
[c] July 24, 1842. See Eve to Waples, July 27, and August 16, 1842.
[d] Undated; but the date of the account is July 24, 1842. See Eve to Waples, July 27, and August 16, 1842.
[e] Morfit.

The books and papers of the Department being in Austin, we are at a loss for the form of a letter of credence, therefore I sign a blank sheet which you will have filled in the usual form, (which you will be enabled to find in Washington) and which must be directed to the Secretary of State, perhaps a copy of Mr Reily's credence is on record there. You will also please forward a form of a full power to this Department, in order that one may be furnished you.

It is desired by the President that you proceed to Washington with all possible despatch, as Mr Reily will have left about the first of August and leave the Legation without a Representative, which should not in the present exigencies be the case.

I have the honor to be with great
respect
Your most obdt servant

JOSEPH WAPLES
Acting Secty of State

Honl
ISAAC VAN ZANDT
Chargé d'affaires of Texas
Near the Govt of the U. States

CERTIFICATE OF BOYLAN OF SEIZURE AND DETENTION OF RETRIEVE.[a]

CERTIFICATE OF JACKSON AS TO THE EMPLOYMENT OF THE RETRIEVE.[b]

EVE TO WAPLES.[c]

No. [7.]

LEGATION OF THE UNITED STATES
Galvaston July the 27th 1842

The Hon.
JOSEPH WAPLES *acting Secretary of State*
of the Republic of Texas

SIR

Captain Means the Commander of the United States Brig Retrieve, will hand you this note with the accompanying certificates.

You will perceive by the certificates of J D Boylan and Colo. A Jackson that this Brig was taken possession of by order of the Presi-

[a] July 26, 1842. See Eve to Waples, July 27, and August 16, 1842.
[b] July 27, 1842. See Eve to Waples, August 16, 1842.
[c] A. L. S., endorsed "Recvd 29 July replied to 30th 42."

dent of Texas for the purpose of transporting troops from Galvaston to live Oak point, and has been detained in the transport service from the 18th. of June 1842 to the 23d day of July inst. $900.00 is the amount claimed by Capt. Means for the time the Brig was in the service of Texas which is certified to be correct by Capt John Appleman Comdr. of the Transport by order of this Government.

You will also perceive by the accompanying documents that the Brig has been damaged while in the service of Texas.

It is confidently expected that the government of Texas will discharge this claim of Capt. Means and make with the Capt an equitable arrangement for the damages the Brig has sustained whilst in the service of Texas. With renewed assurances of high regard I have the honor to be your Obt. Servt.

JOSEPH EVE.

[Next come copies of the following:[a]

Account of Means for detention of the Retrieve, July 24, 1842.

Certificate of Appleman to account of Means, undated.

Certificate of Jackson as to the employment of the Retrieve, July 27, 1842.[b]

Then follows this certificate:[c]]

The foregoing account and certificate are correct copies of an % and certificate presented by Captain Means to this Department on the 29th July inst, the originals were returned to Capt Means at his request this day

DEPARTMENT OF STATE
Houston July 30th 1842

JOSEPH WAPLES
Acting Secretary of State

[Then come copies of the following:[d]

Certificate of Boylan to seizure and detention of the Retrieve, July 26, 1842.

Certificate of Jackson as to the employment of the Retrieve, undated.[e]

[a] See Eve to Waples, August 16, 1842. The whole series of copies, original certificates, etc., in this letter of Eve to Waples, July 27, is written on the same sheet and endorsed "Copies of documents relating to the Brig Retrieve, Capt. Means, July 30th 1842 to accompany Judge Eve's letter of 27th inst."

[b] To this certificate as it appears in Eve to Waples, August 16, are here added the words, "but do not certify as to the compensation to be allowed for the same."

[c] A. D. S.

[d] See Eve to Waples, August 16, 1844.

[e] The repetition of this certificate is apparently inadvertent.

Finally come the following endorsements:]

[a] The foregoing are correct copies of two certificates presented by Captain Means to this Department on the 29th July inst. the originals were returned to Capt Means at his request to day

DEPARTMENT OF STATE
Houston July 30th 1842.

JOSEPH WAPLES
Acting Secretary of State

[b] The within account is admitted, and will be paid so soon as the Government, will appropriate means, for the purpose:

24th DECR 1842
Washington [Texas.]

SAM HOUSTON

TREATY OF AMITY, COMMERCE, AND NAVIGATION BETWEEN TEXAS AND THE UNITED STATES.[c]

WAPLES TO EVE.

DEPARTMENT OF STATE
Houston 30th July 1842

Honl JOSEPH EVE
Chargé d'affaires of the United States
To Texas

SIR, I have the honor to acknowledge the receipt of your note of 27th Inst per Capt Means, commander of the Brig Retrieve, who handed me the certificates of J. D. Boylen Esqr and Col A. A. M. Jackson relating to the Brig Retrieve belonging to citizens of the United States. I referred your letter and the certificates accompanying it to the Honl Secretary of War and Marine by whom they were laid before the President.

The President has instructed me to assure you of his ardent desire that justice should be awarded to Capt Means, and that any just sum should be paid him for the services of his vessel, and regrets that he cannot obtain the money for that purpose at present, there being no appropriation for such contingencies.

The President desires me to say to you that Capt Means volunteered the services of his vessel in case the Government was unable to pay the amount verbally agreed on viz, 25$ per day, and which

[a] A. D. S.
[b] D. S.
[c] Triplicate, July 30, 1842. Signed by James Reily and Danl. Webster. See Reily to Jones, August 3, 1842.

verbal agreement, after the parties had concluded upon a charter party, Capt Means, after consulting his consignees would not consent to, unless the President in the name of the Government would give security for the faithful payment of the amount whatever it might be on the return of the vessel. The President not being disposed to ask security for the Govmt., offered to pledge his watch or any other personal property he had for the payment of the expenses of the Transport, but, perhaps through delicacy the Capt. declined the offer.

The vessel was wanted for the purpose of transporting troops (Volunteers from the United States) from Galveston to Corpus Christi, it had become necessary that these troops should be removed from Galveston, and there being no other vessel in that port competent for removing them, and Capt Means having declined or refused to comply with the stipulations agreed on, and for the security of the citizens of Galveston on whom these troops had been living for several weeks, and as a last resort (though with great reluctance) the President deemed it an imperative duty to order the Brig to be taken for that purpose; and would now be happy to have it in his power to remunerate Capt Means upon just and equitable terms for the services of his vessel. And in respect to the damages done the Brig while in service as Transport, the President is desirous that you will obtain all the information you can in relation to it; what was the situation of the vessel when she left Galveston, the amount of damage done her, and whether the mismanagement of the Transport officers on board was the cause of her being damaged? It is important these facts should be clearly ascertained before the President can acknowledge a claim for damages.

With great respect I have the honor to be

Your most obdt Servant

(signed) JOSEPH WAPLES
Acting Secty of State

DEPT STATE
July 31st 1842

His Excellency, the PRESIDENT

SIR,

I send you for your sanction or amendment a rough copy of a letter which I made to send Judge Eve relating to the Brig Retrieve, if any alterations are necessary, you will please suggest them, and I will copy it over, in time to send by the boat to day. The boy will await your reply.

With great respect

Your obdt servant

JOS WAPLES

'Tis all very well. I hope the Judge will for the present be satisfied.

SAM HOUSTON

REILY TO JONES.[a]

Despatch No. 90.

LEGATION OF TEXAS
August 3rd. 1842

Hon ANSON JONES
Secretary of State, Texas

Since my last despatch dated July 11th. and No 89 I have urged upon Mr Webster the necessity of the consideration of a treaty of Amity, Navigation, and Commerce, and after several personal interviews in which the various points submitted by me were discussed, I have now the honor of transmitting the enclosed treaty [b] entered into between Mr. Webster Secretary of State of the United States and myself. You will be able to perceive, at once, how advantageous it is in all its provissions to Texas, securing as it does the most important rights and privileges. The navigation of the Sabine, of Red River and all conterminous streams and the Mississippi are secured, with the right of landing our products and manufactures free from duty in any ports or places situate on said rivers for exportation for ten years. The right is also conceded of selling our cotton in the United States free from duty for five years. These are important concessions, and I consider Texas as eminently fortunate in having secured them, and more especially the latter, as it will prove an annual saving of many thousands to her planters and merchants, but more especially to the inhabitants of those portions of the Republic whose outlet to market is through the Mississippi river. As the revenue laws of the United States now stand not one bale of our cotton could be landed either for sale or reexportation, at any port of the United States without a duty being advanced to the United States collector of 20 per cent per lb, or from eight to twelve dollars per bale. The duties to the United States are required to be paid in cash, and if the article entered is reexported, still the money is not refunded for a considerable period. The introduction of this stipulation is in direct violation of the established usages of this Government, inasmuch as it interferes with the subject of revenue, which belongs almost exclusively to legislation and is seldom if ever disturbed by the treaty making power. Its obtainment saves the neces-

[a] Copied in Van Zandt to Terrell, December 27, 1842, in which form the despatch first reached the Texas government.

[b] See Reily to Waples, December 12, 1842.

sity of shipment to foreign ports for a market and will enable our citizens to obtain their returns without the delay necessarily attendant upon a transatlantic voyage, and avoids the great loss in interest and profit consequent upon the abstraction, even for a limited time, of the hundreds of thousands of dollars, which without this stipulation would be required to be deposited in the hands of the collectors of the United States, before the crops, of those countries whose position force them to use the Red River and Mississippi and Arkansas, could be brought to market or for exportation by shipment. The Government however will be able to appreciate, without my going into debate, the importance to Texas of the arrangements included in articles fourth and fifth which after much labour I have been so fortunate as to conclude. The Department will perceive that I have not adopted the maxim recognized in some of our treaties, to wit, "that the flag covers the goods" and that "free ships make free goods" considering it impolitic situated as Texas and Mexico are in relation to each other, being at war—their coasts both washed by the waters of the Gulf, and Mexico drawing most of her supplies from the ports of the United States along the Atlantic, whilst a large amount is carried from the City of New Orleans, and a greater portion of all these supplies transported in United States bottoms, and under the flag of this Government. Neither was I insensible or blind to the fact that valuable cargoes, of gold and silver, are frequently transported in American vessels from Mexican ports, consigned by their owners to merchants and others in the United States. If the maxim had been adopted that "free ships make free goods" and that the "flag covers the goods" no Texian Cruiser would have dared meddle with Mexican property, not contraband of war, in United States vessels, no matter how valuable, in amount or how well satisfied of the ownership being in the citizens of our enemy.

Sensibly alive to the importance of a good understanding with the United States in relation to the Indians, I had several interviews with Mr Secretary Webster in which I did all in my power to impress upon his mind the justice and policy of such arrangements being made between the two Governments, as would insure Texas from being disturbed by their aggressions. He did not hesitate to declare in the most candid and emphatic manner that it was the duty of the United States to prevent Texas from being disturbed by the Indians within the United States and gave me assurances that the article in the treaty relating to the Indians should be observed. Strict and positive orders, have sometime since been transmitted from the War Department to the Military Commandants and Indian Agents among the savages bordering on our line to prevent them from crossing into Texas and to take all necessary measures to keep them

from committing hostilities on our citizens. I had the honor in the month of March of inducing the Government of the United States to increase to a considerable amount the troops on the frontiers of Texas, Louisiana and Arkansas, under the rumor of an invasion from Mexico, and which force will be there retained. I am satisfied however with information derived from the War Department and conversations held with the celebrated cherokee John Ross and Governor Butler one of the indian agency among the tribes concentrated on our borders that Texas has nothing to dread from any of these Indian bands.

The stipulations, binding both Governments mutually to deliver up persons charged with certain crimes, upon a certain amount of proof being made, I trust will meet the approbation of the Texian Government. The ratification, by the senate of Texas of a treaty containing such a clause, will have a most salutary effect upon her moral reputation, and aid very much in removing the reproach which now too unjustly attaches to her people. It is an unusual article to be inserted in a treaty, but whilst laboring to secure for my country every possible commercial concession, I did not neglect any thing, that might have a tendency to vindicate her honor. There are many among the enlightened classes of this community, who are both prejudiced and ignorant enough, of the amount of virtuous and worthy population of which Texas can boast, to be firmly settled in the belief, that the Government hails with pleasure the arrival of the most hardened and lawless criminals to her shores and stands ready to protect them with the national flag from merited justice. It is with great pleasure and zeal that I have endeavoured to defend her from an imputation as injurious as it is unjust.

Altho anxious, yet I could not obtain any stipulation to permit the mutual ingress and egress of a limited number of servants accompanying their owners whilst visiting the respective countries. Its insertion would have endangered, if not defeated the treaty. In fact nothing is said about slaves in the treaty for Mr Webster deemed it unsafe. The right to import slaves from any portion of the United States to Texas in American bottoms Mr Webster informed me was perfectly legitimate. Upon the subject of tonnage the stipulations of the Treaty are reciprocal. This is of no disadvantage to Texas for her marine for years must be necessarily limited, and so long as she lays no duties discriminating between her own and foreign ships coming from foreign ports, her vessels according to the existing laws of the United States will not be liable to any tonnage. The coasting trade is not granted.

In articles fourth and fifth I have endeavoured to guard and secure the points most desirable to Texas, with regard to commerce and the

transportation of her goods wares and products to market. As I have remarked, in the preceding part of this despatch, the important and valuable privilege of disposing of our cotton in the United States ports is secured for five years. This privilege, so unusual to concede in treaties, will prove a saving to the people of Texas before its expiration of several hundred thousand dollars. Without its obtainment, the rich and rapidly improving countries forced from necessity to carry their produce through the United States ports, must have been greatly crippled and impoverished under the Cash System of duties now adopted by this Government. In framing these two articles, I did not consider that cotton would form the only article which Texas in the development of her resources and advancement of her enterprise would be able to export, but took into consideration the cattle, hides peltries minerals beef sugar rice salt corn grain timber etc etc, which in the lapse of a few years will constitute a large item in her trade, and all of which by the provissions of these two articles are to be imported into the United States free of duty for reexportation and under the rules and regulations to be established by the President of the United States not burdened with [the] necessity of being secured by bonds which always place our citizens at the mercy of the United States Merchants, but warehoused, thus costing us nothing but a fair rent for the proper stores. The right, of repackage for exportation, is a subject which the owners and shippers of all articles will feel the importance of, and more especially the importers of cotton, after the expiration of the five years, as it is a privilege upon foreign cotton never yet permitted, and has cost us already much trouble and loss of profits. It is secured now for ten years, altho I trust the extension of time upon cotton will be obtained by the Texian from the United States Government, convinced as her Officers and intelligent men are of the great importance of our trade to whatever nation secures the benefit of supplying our people with articles of consumption, and having their marine employed as the carriers of our rapidly extending commerce.

All the provissions of the treaty with the exception of the right to land and sell cotton in the ports of either country are secured for ten years. In entering upon the discussion and consumation of this treaty I was fully alive to the delicacy of my position and the high responsibility of my actions. It became my privilege to conclude the first convention which Texas formed with the United States upon the very important subjects of Amity Navigation and Commerce. The peculiarity of the relationship held by the two Governments towards each other, arising from the contiguity of their territories, similarity of their institutions—peopled by men of the same blood, habits and language—their southern coasts washed by the same Gulf—the waters of Navigable rivers originating in the limits of one and running into

the sea through the soil of the other—their respective inhabitants in daily intercourse, with many other circumstances conspired to render a departure from the ordinary forms of treaties necessary and at the same time made the decission and settlement of various points matters of interest and difficulty. Texas I knew must suffer the penalty of whatever unwise concession or impolitic acts I might commit through ignorance or want of experience, no matter with how much honesty of intention performed, and my own self consciousness of motives the most pure, and patriotic, prove a feeble apology to the nation for injuries inflicted by me upon her prosperity. I was here alone, unaided, unexperienced, the representative of a young Government, destitute of political weight and whose commercial importance had not developed itself, and forced to enter upon the discussion of points and topics in which Texas felt the most vital interest, with some of the loftiest and most powerful intellects of the United States; Under such circumstances the accompanying treaty was concluded, which I now have the honor to transmit for the ratification or rejection of the Executive and Senate of that Government, with whose patriotic sons I have cast my fortunes, and whose citizenship I am proud to claim.

With sentiments of the highest consideration—

Yours respectfully—

(Signed) JAMES RILEY

AFFIDAVIT OF APPLEMAN IN THE CASE OF THE RETRIEVE.[a]

AFFIDAVIT OF BARTON AND D. MCNITT IN THE CASE OF THE RETRIEVE.[b]

ACCOUNT OF BARTON AGAINST TEXAS IN THE CASE OF THE RETRIEVE.[c]

ACCOUNT OF MCNITT AGAINST TEXAS IN THE CASE OF THE RETRIEVE.[c]

ACCOUNT OF T. TREADSWELL AGAINST TEXAS IN THE CASE OF THE RETRIEVE.[c]

[a] August 4, 1842. See Eve to Waples, August 16, 1842.
[b] August 8, 1842. See Eve to Waples, August 16, 1842.
[c] August 10, 1842. See Eve to Waples, August 16, 1842.

EVE TO WAPLES.[a]

LEGATION OF THE UNITED STATES
Galvaston August 12th 1842

The Honble.
JOSEPH WAPLES *Acting Secretary of State*
of the Republic of Texas

SIR

I am instructed by the President of the United States to make known to the President of Texas, that while the Government of the United States claims no right to interfere in the pending controversy between The Republic of Texas and Mexico, yet it cannot be indifferent to a renewal of hostilities between them, and sees with pain a prospect of the immediate resumption of active military operations, it is believed to be a useless and hopeless war without any attainable object injurious to both parties, annoying and vexatious to other commercial nations and especially so to the extensive commerce, and navigation of the United States in the gulph of Mexico. Both Governments are neighbours, of the United States both profess to have a Republican form of Government and are among the newly organized and regenerated Systems of this hemisphere, both have been exhausted by their wars, and require peace and repose. Under those feelings and circumstances, Mr. Thompson the United States Minister at Mexico has been instructed to urge upon that Government the great anxiety that the United States feel for a cessation of hostilities and the establishment of a permanent peace between the two Republicks, and that if the Mexican Authorities should intimate a desire for the interposition or mediation of the Government of the United States for the purpose of bringing about peace, he would state that such interposition, or mediation will be cheerfully granted. So long, however, as either party shall be resolved to remain at war with the other, and unless both of them shall request the mediation of the United States the President would not feel inclined to interfere.

I am also instructed to express to you in the name of the Government of the United States a hope that it may be deemed to comport with the interests of the Texan Government to suspend any offensive military operations which may be in contemplation against Mexico, untill it shall be known the result of the negotiation which Mr. Thompson has been instructed to undertake.

With sentiments of high regard
I have the honor to be
your Obedient servant

JOSEPH EVE

[a] A. L. S.

EVE TO WAPLES.[a]

LEGATION OF THE UNITED STATES
Galvaston August the 16th. 1842

The Honble.
JOSEPH WAPLES *acting Secretary of State*
of the Republic of Texas

SIR

I have the honor to acknowledge the receipt of your note of the 30th. July in answer to mine of the 27th., relative to the claim of Captain Means against this Government, for the use and damages of the Brig Retrieve impressed into the service of Texas by order of the President.

In connexion with this subject, the undersigned Charge d'affaires, feels it to be his painful duty to call the attention of the honorable, the Secretary of State of Texas, to an outrage committed by the authorities of Texas, upon the persons of the first and second mate of the said Brig Retrieve, by an armed force following them after they had abandoned the said Brig, and compelling them to return, and perform seamens duty from Galvaston to live Oak point and back to this port, both of them being citizens of the United States. It must be conceded that such acts of violence upon the rights of citizens of the United States, would (without suitable redress) be well calculated to break in upon the amicable relations, and good understanding which ought, and has subsisted between the United States and Texas.

The undersigned will, however remark that from the sincere desire which he has upon all occasions discovered, manifested by the President of Texas, to maintain the friendly relations existing between the two Governments, he cannot permit himself to doubt that he will reprobate the act, and give such redress as may be within his power. I herewith enclose you the protest of Captain Means, 2 the affidavit of R Barton the mate, 3 the order of E A Rhodes the United States Consul to A F James and J Delesdernier port surveyors, 4 the report of A. F James and J Delesdernier, 5 the affidavit of Capt. Appleman 6 the affidavit of R Barton [and] D Mc.Nitt first and second mate, 7 the account of R Barton, 8 the account of D. Mc.Nitt, 9 the account of T. Treadswell 10 Capt. Means account, 11 Captain Applemans certificate 12 Colo Jacksons certificate and 13 Capt. Boylans certificate.

You in your note say, that the President had agreed to pay Captain Means $25 per day, for the use of the Brig Retrieve, while it should be in the service of Texas. I refer you to the certificate of

[a] A. L. S.

Captain Appleman, Capt. Boylan, and Colo Jackson all of which go to prove that the Brig was in the service of Texas 36 days which at $25 per day, amounts to $900 the sum claimed by Captain Means. The same price was agreed to be paid the Colo. Hanson by the Secretary of War of Texas, which shows the charge of Capt. Means is right because the same price was given another Brig for similar services, and *especially* because the President agreed to give him that price before his Brig was impressed into the service of Texas, the undersigned cannot therefore permit himself to believe, that there will be any hesitancy on the part of the Government of Texas, to pay Captain Means the $900 for the use of his vessel. The only difficulty then is the amount of damages that Capt. Means is entitled to on account of the injury his vessel received, while in the service of Texas. You ask in your note, what was the situation of the vessel when she left Galvaston, the amount of damage done her, and whither the mismanagement of the transport officers was the cause of her being damaged. You also say it is important, these facts should be clearly ascertained before the President can acknowledge any claim for damages.

To this opinion the undersigned must respectfully dissent. It was surely the duty of the authorities of Texas, (and not Captain Means) to see that this vessel was in good condition when they took possession of it. When it is recollected that it was forcibly taken from him, and sailed immediately from the port of Galvaston could Captain Means (had he been disposed to do so) have had his vessel inspected, so as to be able to shew that it was sea worthy. The reasonable and fair presumption is, that the Government of Texas would not have risked the lives of two hundred and eighty volunteer soldiers, upon a vessel that was not in good condition, and entirely sea worthy; with this view of the subject, it is believed that the report of A. F. James and J Delesdernier (to which you are refered) would be amply sufficient, to shew that Captain Means is entitled to damages for the injury which his vessel sustained, while in the service of Texas. But the affidavit of Captain John Appleman who commanded the Brig, shews the right of Captain Means to claim damages beyond all doubt. What the amount should be is not yet ascertained, he was here destitute of the means to repair his vessel, and claims $500. I have not enclosed his account, and now propose to the honorable Secretary of State to select two honorable gentlemen, to settle the amount of damages this Government ought under all the circumstances to pay Captain Means to whose award the undersigned on the part of Capt. Means will agree to abide, believing this to be the best and most amicable mode of settling this matter.

By reference to the enlosed accounts the Honl. Secretary of State will see that Reubin Barton the first mate of the Brig Retrieve claims

$300 for having been impressed and forcibly detained in the service of Texas from the 23d of June, to the 23d of July, and that D Mc. Nitt claims as second mate on said Brig $200 damages for having been impressed and detained forcibly in the service of Texas, the same time Candour compells me to say that I think these claims high. Yet these men were forced into service by officers of this Government, and it is or always ought to be expected, by Governments, as well as by individuals, that when they engage in acts of force and violence [they will have] to pay an adequate compensation in damages to the party injured, not only commensurate with the injury sustained, but what is sometimes called smart money. The account or claim of Timothy Treadswell amounts to $22.80 he charges $18 per month and claims to have been in the service of Texas, one month and eight days as a sailor on said Brig.

With renewed assurances of high regard
i have the honor to be
your Obedient Servt.

JOSEPH EVE

Protest of Captain Means.

CONSULATE OF THE
UNITED STATES OF AMERICA
Galvaston Republic of Texas

By this public instrument of protest and declaration before me Elisha A Rhodes consul of the United States of America at Galvaston Republic of Texas.

Came and appeared Thomas Means Master of the American Brig Retrieve of Newberry port[a] of the burthen of one hundred and sixteen tons, or there about who did declare, that he sailed in the said Brig from Jacksonville Florida in the United States of America, on the second day of May last past, bound to this place, ladened with a cargo of lumber, and that he arived in said Brig at this port on friday the 5th. Instant That after the cargo of the said Brig had been landed (towit) on the 16th. Instant, and while she was lying at anchor in the harbour of Galvaston application was made to this affiant by his Excellency Sam Houston President of Texas, to charter the said Brig for the purpose of transporting a number of troops from this place to live oak point

This affiant consented to the terms offered, provided they should meet with the approbation of the Consignee, [but he says] that upon consulting with him the said Consignee, he was advised against entering into the contract on the ground that by puting the said Brig in a trade not contemplated by the under writer, it would probably vitiate the policy of insureance.

[a] Newburyport.

For which reason, with others not necessary to mention, this affiant came to the determination to decline the offer of the President, which he stated to his Excellency. The next day Captain Boylan read to this affiant an order to him directed, in the following words. (to wit)

EXECUTIVE DEPARTMENT
June 17th. 1842

J. D. BOYLAN Esq'r.
Sir

Order of the President.

You will take possession of the homaphredite Brig Retrieve commanded by Captain Means, to transport the troops now at Galvaston, and land them at live Oak point. You will then return with said vessel to this place and deliver her again to the Captain or Consignee, you will take special care of the vessel. Should Captain Means desire to command his vessel, you will permit him to do so, and discharge him at live Oak point. This order you will execute with the least possible delay.

Major J. H. Cocke will furnish the neat rations requisite for the troops. You will have the power to call upon Colo. Mills for force should any be requisite to carry out this order, as it is absolutely necessary that the troops now here should be removed to the frontier.
I have the honor to be
Your Obt. Servt. (signed) SAM HOUSTON

Where upon the said Thomas Means Master as aforesaid in his own behalf and on the part and behalf of the owners under writers, and all others interested or concerned in the said Brig Retrieve doth hereby formerly [*sic*] protest as well against the Government of Texas as against the said Captain Boylan his officers and men, and all others whom it doth or may concern, for the forcible seizure and detension of the said Brig and for all losses, costs, damages and expences already suffered or which may hereafter accrue by reason of the foregoing premises.

In Testimony of which the said Thomas Means has hereunto set his hand and seal the 18th. of June 1842
(signed) THOMAS MEANS

Sworn to and subscribed before me
the 18th. of June 1842
(signed) E A RHODES
U. S. Consul

GALVASTON REPUBLIC OF TEXAS

R A Bartons affidavit

R A Barton Mate of the Brig Retrieve being duly sworn, doth make oath and say that the several matters and things set forth in the foregoing protest of Captain Means which are of his own knowledge are true, those not of his own knowledge he believes to be true.

And in addition thereto the said affiant R Barton doth make oath and say that on the 18th Instant in the absence of Captain Means, and while this affiant was in command of the said Brig, a file of soldiers with muskets came on board, and in a short time were followed by Captain Boylan who stated to this affiant, that an order had been given, to take possession of said Brig Retrieve and he was commanded to execute it, where upon this affiant surrendered the possession of the said Brig

Sworn to before me the 20th of June 1842

(signed) E A Rhodes
U. S. Consul

I Elisha A Rhodes Consul of the United States of America at Galvaston Republic of Texas.

Colo. Rhodes certificate.

Do hereby certify that the fore going protest of Captain Means and also the affidavit of R Barton mate of the Brig Retrieve, are true copies from the originals on record in my office. In Testimony of which I here unto subscribe my name and affix the seal of my office the 21st of June 1842 and of the 66th year of the Independence of the United States

(Seal)

E A Rhodes
U S Consul

Consuls order of survey.

Consulate of the United States of America
at Galvaston Republic of Texas

To Messrs. A. F James and John Delesdernier } Port Recorders

You are hereby required to go on board and along side the Brig Retrieve of the burthen of one hundred and eighteen tons or there abouts, of which Thomas Means is Master, and examine the said Brig, her hull, masts and rigging, running Rigging and sails, and every other store to her belonging and having carefully and particularly, inspected examined and surveyed the said Brig Retrieve and her several stores make report to me on oath.

Given from under my hand and seal of office at Galveston the 22 July 1842

(Seal) (Signed) E A Rhodes *U S Consul*

Port Recorders Office

James and Delesdernier affidavit and report of survey.

By virtue of the annexed order of Survey to us directed, by E. A. Rhodes Esquire United States Consul for the aforesaid port. We proceded on the 22d of July on board the Brig Retrieve of the burthen of one hundred and eighteen tons or there abouts, whereof Thomas Means was

Master, and examined the said Brig, her hull, masts and Spars, standing and running rigging, sails and stores left on board all of which after a careful examination, we find in the following condition (viz) Jib sound, for top mast stay sail worthless, fore sails not worth repairs, fore top sail usual ware and tare, fore top gallant sail not worth repares, main sail usual ware and tare, running and standin[g] rigging usual ware, upper rudder gudgeon gone entirely, linn Pintle apparently gone, curve planks of the stern much injured, hull strained so as to require calking.

We therefore require the said Brig to be hove keel out for further examination, as to the damage done to the bottom of the said Brig while on shore at Aransas Bar, as also to secure the rudder. We also require the Boat belonging to said Brig to be repaired. We also find the following stores on board said Brig (towit) forty pounds of rice, two thirds of a pound of pork thirty pounds of Beef and twenty pounds of coffee. Given under our hands and seals this 23d of July A. D. 1842.

signed A F James (seal)
signed John Delesdernier (seal)

Sworn to and subscribed before me 26th of July 1842
(signed) E A Rhodes
U. S. Consul

Consulate of the United States of America
at Galvaston Republic of Texas

Consuls certificate I Elisha A Rhodes Consul of the United States of America at Galvaston Texas.

I Do hereby certify that the foregoing order of Survey, and report thereon are true copies from the originals on record in my office.

In Testimony of which I hereunto subscribe my name and affix the seal of my office the 26th. of July 1842

(Seal)

(signed) E A Rhodes
U S Consul

Copy

Consulate of the United States of America
at Galvaston Republic of Texas

Capt Appleman['s] affidavit John Appleman being duly sworn deposeth and says that he was put in the command of the American Brig Retrieve of Newbury port on the 27th. day of June last past at the port of Galvaston for the purpose of transporting troops to live Oak point, that the said Brig sailed on the 28th. and after a passage of four days arived off Aransas Bar, late in the afternoon

on the second of July last, but having at the time, a supply for one day only of fresh water on board, and there being no certainty of obtaining a Pilot that evening, This deponant concluded to run said Brig over the Bar without one, which he did, but unfortunately grounded on the inside of said Bar, where said Brig remained about four hours, during which time she sustained considerable damage, by unhinging the Rudder, and breaking one or two of the braces and pintals, after which got off, and proceded up the bay and landed the troops on the 5th of July.

In consequence of contrary winds the said brig was detained in the Bay, untill the 13th. when she sailed for this port, but did not arive untill the 22d.

This deponant further states that on the passage of the said Brig to this Port she encountered head winds, squalls, and frequent calms, by which the sails and riging of the said Brig were considerably injured by ware and tare.

(signed) JOHN APPLEMAN

Sworn to before me the 4th day of August 1842

(signed) E. A. RHODES
U. S. Consul

CONSULATE OF THE UNITED STATES OF AMERICA
AT GALVASTON REPUBLIC OF TEXAS

Barton and Mc.-Nitt's affidavit

Reubin Barton and Dickey Mc. Nitt being duly sworn, depose and say, that they are American seamen, and belong to the American Brig Retrieve of Newbury port that they shipped on board the said Brig in the United States of America as first and second mate, the said Barton as first mate shipped at Charleston South Carolina on the 8th. of febuary last and that the said Mc. Nitt as second mate shiped at New York on the third of January, that they arived in said Brig at this port, in or about the fourth of June following, and remained on board untill the 18th when said Brig was seized and impressed into the services of the Government of Texas by the order of his Excellency Sam Houston President of this Republic that being anxious to return home, and not knowing how long the said Brig might be held by the Government of Texas, they came to the conclusion to abandon her and return to the United States immediately and had made their arangements accordingly when they were forcibly seized and caried on board the said Brig, by Captain Boylan at the head of a file of armed Texan soldiers, that immediately upon their getting on board, the said Brig set sail for live Oak point with Texan troops, who were landed at that place sometime about the 10th. of July last, that the said Brig returned to this port on the 23d having been absent over

thirty days during which time these deponants were forcibly detained and held in captivity and compelled to perform Seamens duty

(signed) R Barton
D Mc. Nitt

Sworn to and subscribed before me the 8th day of August 1842.
(Signed) E A Rhodes *U S Consul*

Copy

Republic of Texas Dr,
To Reubin Barton first mate of the American Brig Retrieve $300
For detention and damages being impressed on the 23d day of June 1842 at Galvaston into the service of Texas and forcibly detained to the 23d day of July.
August 10th 1842 (Signed) R Barton

Republic of Texas Dr
To D Mcnitt second mate of the American Brig Retrieve $200
For detension and damages for having been impressed on the 23d day of June 1842 into the service of Texas, at Galvaston and forcibly detained to the 23d of July ensuing
August 10th 1842 signed D. Mcnitt

Galvaston *August 10th 1842*

Republic of Texas to Timothy Treadswell Dr
To 1 month and 8 days service on the Brig Retrieve while carrying soldiers to live oak point at $18 per month amt $22.80

Galvaston *July 24th 1842*

Republic of Texas Dr
To Brig Retrieve Capt. Means
To use of said vessel from 18th of June to 23 of July 1842 inclusive 36 days at $25 per day $900.00

Capt Means account.

I certify that the above is correct
(signed) John Appleman *Comdt. of the Transport*

Capt Appleman['s] certificate

I certify that the above named Brig Retrieve was employed in the Transport service of this Republic from the 18th of June untill the 23d of July 1842
(signed) A A M Jackson

Colo. Jackson certificate

Galvasto[n] *July 27th 842* *Comdt. 4th Regt. Texas militia*

This will certify that the American Brig Retrieve of Newbury port Captain Means, has been taken possession of by me, on the 18th. of June 1842 by order of his Excellency the President of Texas, for the purpose of transporting troops from this port to live Oak point, that said Brig has been detained in the transport service from the above date untill the 23d of July Galvaston July 26th 1842
(Signed) J D Boylan *Transport agent*

Capt Boylan['s] Certificate

HOCKLEY TO WARFIELD.[a]

REILY TO SPENCER.[b]

SPENCER TO REILY.[c]

REILY TO SPENCER.[d]

REILY TO JONES.[e]

Despatch No. 91.

LEGATION OF TEXAS
August 18th 1842.

Hon ANSON JONES
Secretary of State
Texas.

SIR—Having learned from good authority some few days since that certain wild Indians who have been in the habit of committing hostilities upon the people of Texas had intimated a desire to make peace with the government of Texas, but fearing that the promise on the part of these roving and savage tribes would be nugatory unless guarranteed by some authority whose arms and strength they dreaded I addressed the Secretary of War the following note

LEGATION OF TEXAS,
August 16th. 1842.

SIR—The undersigned Charge d Affaires from the Republic of Texas, has the honor to invite the attention of the Hon John C. Spencer secretary of War of the United States to the fact, that several Indian tribes have signified through the Agents of the United States in the South West, their desire to conclude a treaty of peace with the government of Texas. The Government of the United States from the fact of these Indians having originated in her territories and always seeking refuge within the same from the merited vengeance

[a] August 16, 1842. See Calendar.
[b] August 16, 1842. See Reily to Jones, August 18, 1842.
[c] August 17, 1842. See Reily to Jones, August 18, 1842.
[d] August 18, 1842. See Reily to Jones, August 18, 1842.
[e] A. L. S.

of the people of Texas, for outrages committed, should be desirous, for the purpose of maintaining harmony and good feeling between the two nations to have not only [a] a treaty formed by Texas with such hostile Indians as may be disposed to conclude one, but also [to] adopt such measures as may secure its observance. Neither the time nor place of meeting has been determined upon, but when they are would it not be an act both of policy and justice that the government of the United States should send commissioners to [take part in] said treaty clothed with power to offer her mediation between Texas and the Indians, and of becoming the mutual guarrantor [b] that the terms agreed upon should be sacredly kept by both parties. Such an intervention upon the part of the United States would be attended with most happy consequences to all interested. The reasons why the United States should adopt the course proposed [as to the treaty] between Texas and these Indians I will not here give, having already discussed them with the Secretary of War, but remark that if these views meet with your approbation you will be pleased to suggest to the President the propriety of appointing some individual to conclude with the Representative of Texas at the earliest period possible a convention including the mediation of the United States between Texas and such Indian tribes as may be at war with Texas and stipulating that the Government of the United States will become the guarantor of all parties for the faithful and strict observance of all propositions concluded and agreed upon between the Agents of Texas and such tribes as shall be present or represented at the signing of said treaty.

With sentiments of highest respect

(signed) James Reily

To Hon
John C. Spencer
Secretary of War
etc etc etc

Reply of Secretary of War

Department of War
Washington August 17, 1842.

Sir,

Your letter of the 16th. inst has been received and laid before the President. You state that several of the Indian tribes at the South West have signified their desire to conclude a treaty of peace with the

[a] The meaning of the sentence will be clearer if the order of the words is made "not only to have."

[b] That is, to make the United States the guarantor.

government of Texas, and you suppose that as several of those tribes have originated in the United States and as they seek refuge within our territories from the consequences of their outrages, this government would feel desirous not only that such a treaty should be formed, but that this should be done in such a manner and with such securities as may be best adapted to insure its observance,—and you suggest the propriety of the United States becoming parties to such treaty and sending commissioners to attend the council at which it should be discussed.

The President is sincerely desirous to adopt such measures as may be expedient and effective not only to prevent the outrages and barbarities of the wild Indians of the South West upon our own citizens and those of Texas, but to insure the peace and quiet of our more civilized tribes collected together in the same quarter. There are many tribes migratory in their habits who are to be found sometimes within our own territories and sometimes within those of Texas, and who acknowledge or deny subjection to the one or the other government as suits their convenience. It is very obvious therefore that a combined control of the two governments, will be most efficacious in repressing their predatory incursions and preventing them from lighting up an Indian war in that quarter. Comity and good will to Texas, justice to our own inhabitants and humanity to the Red man, equally demand that all reasonable efforts to attain such an object should be made.

I am therefore instructed by the President to say that when the time and place of holding the proposed treaty with the Indian tribes mentioned by you, shall be made known to him, he will appoint Commissioners to attend it on the part of the United States, with instructions to assist in its negotiation, to make the United States a party to it, and to endeavor to obtain such provisions as will enable this government to interpose its power to hold those Indians in check and to punish them for a violation of their engagements, wherever they may be found.

It does not appear necessary that a formal convention should now be concluded between the United States and the government of Texas, on this subject. This communication will be a sufficent evidence and pledge on the part of this government, of its readiness to mediate with the South Western Indians for the purposes herein specified. The actual mediation it is supposed had better be effected at the Council ground, and with the concurrence of the Commissioners on the part of Texas. And in the meantime, the terms of a treaty may be the subject of a discussion between the two governments.

Permit me to avail myself of this opportunity to express the high respect with which you have impressed this Department during your

Official intercourse with it, and the great regret with which I learn your intention of speedily leaving us.

I have the honor to remain
sir
With great regard
Your obt servant

(signed) JOHN C. SPENCER

Hon JAMES REILY
Chargé d Affaires
of Texas.

LEGATION OF TEXAS
August 18th. 1842.

SIR

I have the honor to acknowledge your note of the 17th inst. For the prompt and kind manner in which you have answered my letter of the 16th. inst please accept my most grateful acknowledgement. The plan which you propose will meet and remedy the difficulties under which Texas labors from the incursions of the wild Indians, and no doubt will obtain the approbation of my government for whose consideration I shall with great pleasure despatch a copy of your communication.

As the representative of Texas I must express the hope that a sufficient number of troops will be kept along the frontier of Louisiana and Arkansas bordering upon Texas, to protect the citizens of the latter government from the hostilities of the numerous Indians already concentrated and still concentrating in that region. They are the only enemy whose power to harm Texas feels the least apprehension about. That they will be restrained I have no doubt whilst the Department of War remains under your supervision, actuated as I feel satisfied you are by the highest motives of justice and humanity.

Most sincerely do I reciprocate the complimentary sentiment towards myself personally contained in the conclusion of your note and unaffectedly wish that you may be blessed with all the prosperity due to the gifted and patriotic

With sentiments of great respect
yours (signed) JAMES REILY

To Hon.
J. C. SPENCER
Secretary of War
of United States

It remains for the government of Texas if attaching as much importance as I do to a treaty made under the guarantee of the govern-

ment of the United States, with the wild tribes who have proposed it to the government, to take such steps as may be necessary to carry out the views contained in the above correspondence. A treaty could be made with these migratory Indians who hold themselves responsible to neither government by which the United States could be committed to Texas, to see that the treaty stipulations were observed and authorize Texas to call upon the United States to punish the Indians for any violation of the terms. This I consider a most desirable matter. It would have a good effect not only upon the wild Indians themselves, but upon the Indians resident in the United States upon our borders and whom the United States by an article in the treaty just concluded are bound to restrain within her own limits from all acts of hostility towards Texan citizens, by seeing the government of the United States backed and sustained by her great power, requiring peace from the wild Indians towards Texas, and stipulating to pursue and punish wherever found the violaters of the terms agreed upon in council. From the Indians placed contiguous to our frontiers within the limits of the United States we have nothing to dread, such as the Chickasaws, Creeks, Cherokees, Choctaws, etc etc, inasmuch as by treaty stipulations this government is bound to keep them quiet. The government will remember that it was advised, that at my earnest and urgent request, upon the rumored invasion of Texas in March last by a large Mexican force, nearly two thousand United States troops had been ordered to the Arkansas and Louisiana lines bordering upon Texas, for the purpose of preserving neutrality among the Indians. This force the Secretary of [War] has assured me will be kept up along those lines. I have not failed upon all proper occasions to impress the mind of the Secretary of War with both the necessity and justice to Texas (independent of its true policy towards the United States) to concentrate a sufficient force along the lines in the South West, to overawe the Indians and to charge the various Agents to keep a most strict inspection of their temper and movements. Satisfied of its justice and policy, he has assured me it shall be done. The celebrated John Ross now here has informed me that Texas has no cause to fear any interruption from his tribe, and that the remnant of the Cherokees lately in Texas, was with a few exceptions that they hoped still to find, settled in the Cherokee nation in Arkansas. Col Pierce M. Butler one of the United States Agents among the Indians in Arkansas has told me the same and farther, that he has a petition signed by [a] great number of those driven out of Texas to this government, asking leave to be again admitted into all the privileges of their tribe in the United States. He gave me the additional information that the Caddoes had been incorporated among the Chickasaws. He gives it as his decided opinion that Texas has nothing to dread

from the United States Indians and that the wild tribes who have intimated through him and Mr. Logan their disposition to make peace with the Texan government are sincere in their demonstrations and approves most highly of the plan proposed in my letter to [the] Secretary of War of the 16th inst, believing that it will secure the peace and safety of our frontiers.

I trust my efforts to obtain the cooperation of the United States government in assisting Texas to obtain peace and quiet on her exposed frontier and under guarantees which will render it permanently safe from Indian aggressions will meet the approbation of the government, and if they do, that so soon as the arrangements are made for the council with the Indians that this government will be advised.

The department is hereby informed of my reception a few days since of my letter of recall, but which I have not deemed it necessary or prudent to present until the final action of the Senate upon the treaty now under consideration before the Senate, and also from a hope that my successor would arrive before the President and cabinet left Washington, so that I might have an opportunity of imparting information which would facilitate his intercourse with the various departments of government. In the meantime I have labored to bring about the intervention of the United States between Texas and the hostile Indians, the happy results of which I trust will be a sufficient apology for my not immediately availing myself of the kind permission granted in your despatch of the 18th or 28th of July,[a] but which did not reach me until the 13th of August. I shall take my leave this week.

The commission of N. Amory Esqr as Texan Consul for the port of Boston was presented in due form to the Secretary of State and the usual Exequatur issued on the 17th inst.

On last Saturday evening the treaty between the United States and Great Britain was ratified by the Senate after a fierce discussion of several days by a vote of thirty nine in the affirmative and nine in the negative.

The Department will please number this despatch as No. 91. as one of a previous date and number accompanies the treaty, which I trust soon to have a safe opportunity of sending out.

With sentiments of great respect

Yours JAMES REILY

P. S. I would ask the favor from the Department of State of being informed at Lexington Ky of the arrival and reception of this Despatch.

[a] The 18th. See Waples to Reily of that date.

TERRELL TO VAN ZANDT.

DEPARTMENT OF STATE
City of Houston, Texas, Aug 19th, 1842.

Hon I VAN ZANDT,
Charge d'Affaires of Texas, to the United States,

SIR,

In the absence of the Secretary of State, His Excellency the President, has instructed me to address you on a subject, which he deems of vital importance to the interests of Texas—and which he wishes you to avail yourself of the earliest opportunity, to bring to the notice of the Government of the United States.

It is the condition of the various tribes of Indians inhabiting our Northern and North Eastern Frontiers. The intercourse between those tribes and the citizens of the United States adjacent to them, is of a character highly detrimental to our population. You are aware that most of the tribes spoken of, are at present hostile to Texas and upon terms of amity and friendship, with the United States. This State of things is well calculated both to stimulate their cupidity and fire their revengeful passions, inasmuch as they find there a ready market for the plunder of which they have robbed our citizens, and a secure retreat if pursued, from the scene of their depredations. This is frequently the case. An attempt is now being made, and commissioners have been appointed, to bring about friendly relations between all the tribes of Indians residing within, and bordering upon, our territory; but so long as the incentives to commit hostilities, above spoken of, on the part of those tribes bordering upon the United States remain, the prospect of establishing amicable relations with them may be regarded, to say the least, as extremely problematical. On the contrary we have good reason to believe if these inducements for them to continue hostilities against Texas were removed, we should have little difficulty in bringing about an adjustment of existing difficulties, and upon such terms as will afford a reasonable guaranty of a continuance of amicable relations with them. It is therefore the wish of the President that you will immediately bring this matter to the consideration of the Government of the United States and urge their earliest attention to it, with all the earnestness which its importance to the interests of Texas demands.

If the United States will interdict all trade between the Indians residing within our territorial limits and her citizens, and also give them distinctly to understand that they can no longer find an asylum within their jurisdiction when they have committed aggressions upon our citizens, we have every reason to hope that it will not be long until we shall have peace throughout all our borders.

In making this demand of the United States we ask nothing but what that Government has obligated herself, by the solemn sanctions of a treaty to perform.

The right of Texas to require this prohibition on the part of citizens of the United States is clearly deducible from the thirty third Article of the treaty of "Amity, commerce and Navigation" concluded between the United States of America, and the United Mexican States, at the City of Mexico, April 5th, 1831—to which your attention is invited.

This treaty is yet in full force. Texas was at the time it was concluded, a component part of the Mexican confederacy. She has never repudiated the treaty, nor disregarded its provisions, consequently it has inured to her as a portion of the then Mexican Republic. It is confidently believed however that it will be only necessary to direct the attention of the United States Government to the facts above mentioned to ensure its prompt and efficient action in the premises. The well known magnanimity of that Government and its scrupulous regard to the faith of treaties, forbid the indulgence of the apprehension that its authorities will stand listlessly by, and look with cold indifference upon the indiscriminate plunder, and the cold blooded butchery of our citizens by a savage and remorseless foe, whom they are bound by the high sanction of a national compact to use all the efforts in their power to restrain.

In the last dispatch of our late minister, Maj Reily, he forwarded to this department a letter received from a gentleman residing amongst the Osage Indians in [the] West of Arkansas, stating that a youth some 12 years old who had been captured by the indians in the County of Fayette Texas was now amongst those Indians.[a] By reference to the same treaty mentioned above—and the same section—second paragraph, you will find that the United States have bound themselves to deliver up to the authorities of this Government, all prisoners thus taken and carried within the limits of their territory. You will therefore bring this subject to the notice of that government and endeavour to procure the restoration of the youth to his country and family. His name is Lyon, his mother resides near La Grange, where his father was killed and himself made a prisoner some time during the year 1837. He is one of those for whose release a special act of Congress was passed at its last regular session. You will therefore be authorised to draw upon this Department for the amount of expenses, etc incurred in procuring his release and restoration to his friends.

[a] This letter has not been found. *Cf.* Van Zandt to Webster, December 30, 1842, in U. S., Pub. Docs., 660, Doc. 14, p. 98.

The President desires to be remembered to you in affectionate terms. And I avail myself of the opportunity of renewing to you assurances of the high consideration with which I remain

Your obdt humble servt

G. W. TERRELL
(*Acting*) *Secretary of State.*

The tribes of Indians from Texas are trading with half-breed Indians and white men, who have trading houses on the head of the Canadian river, east of the Red River, supposed to be within at least the *probable* limits of Texas, and therefore the U. S. can interdict any commerce between these Indians and those South of Red River.

TERRELL TO EVE.

DEPARTMENT OF STATE
Houston August 24th 1842

To the Honble.
JOSEPH EVE, *Charge d' Affaires of the United States etc.*

SIR,

Representing the Hon Secretary of State (who is compelled by indisposition to be absent from the Seat of Government) I have the honour to acknowledge the receipt of your note of 16th Inst in relation to the claim of Thomas Means, Master of the American brig Retrieve, impressed into the service of this Government, by order of the President.

This claim is for the use of the said vessel, for damages she is alleged to have sustained while in the service of this Government, and also for outrages, imputed to the authorities of the Government, committed upon the persons of the first and second mate of said vessel.

In reply to that portion of the letter of the Hon Charge d'Affaires touching the services of the vessel, and the compensation claimed therefor; I am directed by his Excellency the President to say that previously to the impressment of the vessel a specific agreement was made between himself and Captain Means by which the brig was to be chartered by this Government for the transportation of the volunteers from Galveston to Live Oak Point, and for which the Government was to pay to Captain Means the sum of three hundred and twenty five dollars—it being supposed that thirteen days would be sufficient time to make the voyage, and estimating the services of the *vessel and crew* at twenty five dollars per day. This money,

by the terms of the agreement, was to be paid to Capt Means on his return to Galveston. After consultation with some of his friends, Captain Means, in *direct violation of this contract*, refused either to go himself or suffer any other person to take charge of his vessel to transport the troops to Live Oak Point. The exigencies of the public service *absolutely requiring their transportation*, the President issued an order for the impressment of the *vessel alone*. She was engaged in the service of the Government much longer than it was thought would be necessary to make the voyage required—but for which the Master is of course entitled to compensation. This protracted delay may have been owing to unskilfulness in the management of the vessel. It was the opinion of Captain Means that thirteen days was amply sufficient to perform the trip to Live Oak Point and return to Galveston. Should Captain Means now be willing to receive the amount for which he agreed to perform the service the money will be paid to him or to his agent in a very short time. And considering that himself and his whole crew, including the officers were to have commanded and worked the vessel, it is thought this amount would be a reasonable compensation for the service. The sum now demanded by Capt Means is so great that the Government is absolutely unable to meet it promptly. The just amount of debt however shall be discharged at the earliest day on which the Treasury is in a condition to advance the funds necessary for its liquidation.

The high character, both as a gentleman and a Jurist, of the Hon Charge d' Affaires of the United States, entitling his opinions to a respect and consideration scarcely less formidable than those of established authority, it is with unaffected diffidence, added to extreme reluctance, that the undersigned would venture to call in question the correctness of any legal position assumed by that gentleman. Notwithstanding these sentiments the undersigned is constrained, by an imperious sense of duty, to insist upon the suggestions contained in the despatch from this department of 30th ult, to wit, of the necessity of ascertaining the true condition of the brig Retrieve, at the time she was taken possession of by the authorities of this Government, in order to estimate correctly the damages sustained by her while in the service of the Government.

This Government cannot acquiesce in the proposition that the vessel must be presumed to have been in good condition or otherwise its authorities would not have entrusted near three hundred soldiers to her for transportation. It was a case of *emergency* with the government, otherwise the vessel would not have been impressed, the act of impressment could only be justified by the *extreme necessity* of the occasion which required her services: in these circumstances there was little room for selection and therefore the first opportunity that offered was embraced. It is very clear that a vessel may be very seri-

ously injured and yet not considered entirely unseaworthy—(for whenever she is decided to be no longer sea-worthy she is condemned); an evidence of the correctness of this remark may be found in the case now under consideration. According to the testimony taken for the purpose and furnished by the Hon Charge d'Affaires himself, the Retrieve was seriously injured by running upon the bar at Aransas—yet she was not thought unseaworthy, and sailed back to Galveston. An apt illustration of the soundness of this position may be deduced from the practice of Insurance Offices—while they will insure a sound and substantial vessel for a moderate per centage, they demand very high rates for those that are known to be frail or damaged. The brig Retrieve has been represented to this department to be both old and crazy—if so it is certainly very material to ascertain what was her precise condition at the time of her impressment. Nor is it believed that this would be difficult to determine inasmuch as her condition must have been known to her commander and other officers on board.

Your proposition to refer this branch of the subject under consideration to the arbitriment of two gentlemen to be selected for that purpose, has been submitted to the executive—he has not determined to make the reference suggested. If the Hon Charge d' Affaires could find it convenient to make a visit to the city of Houston, it is believed that the whole subject matter of the present correspondence may be satisfactorily adjusted without the necessity of a reference to any persons. The President reposes such an abiding confidence in the capacity, magnanimity, and high sense of justice of the Hon Charge d' Affaires of the United States himself, that he would not wish to make any further reference whatever of the matter than to his calm decission.

The remaining branch of the letter of the Hon Charge d' Affaires to wit the seisure of two of the officers of the Retrieve, and forcing them to perform seamen's duty, has caused the President extreme chagrin and mortification. His excellency instructs me to say in reply, that the act was wholly without his authority or knowledge and meets his most decided reprehension. The odious doctrine of impressing seamen never having obtained, nor even the principle [having been] recognized in America—Texas will not be the first American Government to sanction by her authority a practice not only abhorent to the principles of free Government, but revolting to every feeling of humanity. The perpetrators of this outrage will be dealt with as their conduct deserves, and such redress made to the injured individuals as may pertain to right and Justice.

It would be a source of the most painful solicitude to the President, should any thing occur to interrupt the good feeling, harmony and substantial friendship which have ever subsisted between the Governments and the people of the United States and Texas. No exertion

will be wanting on his part, and he confidently trusts, from the many unequivocal evidences which the present Charge d' Affaires of the United States has given of his friendship for Texas, that he will at all times have the hearty cooperation of that distinguished functionary, in preventing any misunderstanding calculated to mar these relations between two nations of kindred blood and kindred principles; and between whom the bond of indissoluble friendship should be lasting as the name of the common ancestry from which they sprang.

The undersigned avails himself of the opportunity to tender assurances of the high consideration with which he is

Your obdt servt

signed G. W. Terrell
(*Acting*) *Secretary of State.*

Terrell to Van Zandt.

Department of State
Houston Augst 28th 1842

Hon. Isaac Van Zandt,
Charge d' Affaires to the United States etc.

Sir,

In my letter of [the] 19th Inst I brought to your notice the difficulties under which this country labours growing out of the traffic carried on between some of the citizens of the United States and the Indian tribes within our territory. There is another subject out of which has grown a good deal of inconvenience and some embarrassment to a valuable class of the citizens of both Governments, and which a very simple arrangement will free from all perplexity. I mean the transmission of the mails across the line from one country to the other.

To facilitate this transmission and free it from all embarrassment it is only necessary to make an agreement with the authorities of the United States that the Postmasters of each country shall deliver to the order of any post master of the other, all letters, or documents of whatever description, designed to be transmitted across the boundary line. By way of example, a mail would be prepared at New Orleans containing all the letters and papers directed to Texas—it is only necessary for the authorities of the United States to give orders to the Post Master at N. O. to deliver them to the order of the Post Master at Galveston, or to the Texan Consul at New Orleans, or *vice versa*. This arrangement would be perfectly equitable—no objection to it could exist, as it is reasonable to suppose that as many letters would pass from one country as from the other. The pro-

posed arrangement therefore rests upon the basis of reciprocity. Nor can any injury result from it to the revenue of either country—as the government of each can give orders to its officers not to mail any letters designed to cross the line unless they are *post paid*, and if necessary through what post office they shall make their transit from one country to the other. In this way the revenue of neither can suffer detriment—the facilities of correspondence to a most valuable class of citizens—the mercantile interests would be greatly subserved, and the general intercourse between two nations bound together by the strongest ties of kindred blood and kindred principles, be greatly promoted.

It will be seen, by a moment's examination, that this proposition is entirely reciprocal—that the sole object of this Government in proposing such an arrangement is to disembarrass and facilitate the general intercourse between the two countries; It is therefore presumed that no obstacle to the arrangement will be interposed by the authorities of the United States—the mutual advantages to result from it being so obvious as to strike every one at first view with the propriety of concluding it.

It has been represented to the appropriate Department of this Government that our revenue laws are constantly evaded by citizens of the United States who navigate the Sabine river in trading boats, land at the different points and sell goods to the citizens of Texas without paying the duties prescribed by our laws. This System of smuggling—for it is nothing less—should be remedied. The United States by the treaty of 1819, having the right to the whole of the waters of the Sabine river—and, (by a strange and monstrous perversion of the terms used in that treaty, in which the Government of Texas, in an unfortunate moment, hastily acquiesced) of the Lake and Pass also, it is beyond the power of this Government of itself to devise and enforce an effectual remedy; Inasmuch as these smugglers have nothing to do but cast anchor ten feet from our shore and they are entirely secure from either seisure or search on the part of the officers of this Government, and may and do commit the most flagrant violations of our revenue laws with perfect impunity. It will be seen therefore that the remedy for these evils is not within the power of the authorities of Texas—it can only be effected by some conventional arrangement between the two Governments. It is believed that the Government of the United States will not refuse to invest the revenue officers of this Government with authority to seise upon and confiscate, according to our own laws, the goods of any such craft that may be found engaged in this illicit intercourse with our citizens. The vessels of the United States should be required to enter at the Texan custom house on the Sabine Pass, before

they are permitted to trade with our citizens, and if found engaged in this trade without having done so their goods should be subject to seisure by our officers. This is but a reasonable demand, and one which it is hoped the Government of the United States will not hesitate to comply with.

Many attempts have been made to introduce African negros into the United States, in the same clandestine manner, through our territories, but this Government has never failed to employ the most prompt and efficient measure to prevent their success. It is but Just therefore that the United States should extend the same measure of Just reciprocity to Texas in a matter in which her means of support to the government are vitally interested.

It is the wish of the President that you will give to these subjects your early and constant attention, and endeavour to effect such an arrangement as may be mutually beneficial to both countries.

I have the honour to be
With great respect
Your obdt servt

G. W. Terrell
Atto. Genl. and
(Acting) Secretary of State.

Eve to Terrell.[a]

Legation of the United States
Galvaston August 28th, 1842

The Honble.
G. W. Terrell *Acting Secretary of State*
of the Republic of Texas

Sir

The undersigned Charge d' affaires of the United States, has the honor to acknowledge the receipt of your note of the 24th. Inst. which was handed him last evening.

In answer to which he must remark that he adheres to the opinion expressed in his note to the Secretary of State of Texas of the 16th. Inst. relative to the claim of Captain Means upon this Government for damages which his vessel sustained while in the service of Texas. But as he intends visiting the City of Houston in a few days, when he can have a full, free, and candid oral interchange of opinion upon the subject with the members of the Executive department of this government, he will forbear for the present, to urge any further reason in support of his former position.

The undersigned takes pleasure in expressing to Judge Terrell, the perfect satisfaction which the assurance of the President has

[a] A. L. S.

given him, that the force used towards the first and second mate of the Brig retrieve, was unauthorized by him. The prompt and candid disavowal of the act, of impressing those individuals into the service of Texas; as well as the chagrin and mortification expressed furnishes new evidence of the kind and friendly disposition of the President towards the government and people of the United States and is a fresh incitement to the undersigned to cherish corresponding sentiments and to omit no occasion on his part of manifesting their sincerity.

The undersigned feels perfectly assured that the kind feelings expressed in your note for the government and people of the United States, will be properly appreciated by the President of the United States, who upon all fit occasions has manifested the kindest disposition, and most sincere desire for the peace prosperity and happiness of Texas

With sentiments of high regard I have the honor to be

Your Obedient servant

JOSEPH EVE

WEBSTER TO REILY.[a]

[Appoints Monday, September 5, for an interview to allow Reily to present his letter of recall.]

EVE TO TERRELL.[b]

[Enclosing copies of the following: O'Neal to the Chiefs of the Choctaws and Chickasaws, undated, but written probably during the latter part of June, 1842; and Upshaw to Abberson, July 5, 1842.]

WAPLES TO EVE.[c]

WAPLES TO BENTON.[d]

[a] L. S., September 3, 1842. Original found between the leaves of the Records of the Texan Legation at Washington from August 16, 1844, to November 8, 1845.

[b] September 5, 1842. For this letter and the enclosures, see Calendar.

[c] September 9, 1842. See Calendar. To the copy in the archives is attached a small sheet of paper containing, along with considerable matter not sufficiently important to print, a note indicating Houston's approval of the letter.

[d] September 9, 1842. See Waples to Eve, September 16, 1842.

EVE TO WAPLES.[a]

LEGATION OF THE UNITED STATES
Houston September 10th 1842

The Honble.
JOSEPH WAPLES *Secretary of State*
of the Republic of Texas

SIR

I have the honor to acknowledge the Receipt of your note of the 22d July in reply to mine of the 2d of July, upon the subject of the Blockade of the Mexican ports, and the capture (by the authorities of Texas) of a trading vessel near the mouth of the Mississippi river, on its passage from New Orleans to a Mexican port, Sailing under the flag of, and claimed by the master to belong to citizens of the United States.

The legality of the capture of this vessel after remaining before the court of admiralty in the city of Galvaston for months, has been decided by an order of the court for a restitution of the vessel and cargo, except a few articles of contraband, which the master offered to surrender at the time of the capture.

The injury which the owners of this vessel and cargo have sustained in consequence of the detension and sacrifice of property, is sufficient to show, the annoying, perplexing, and deleterious effect which the supposed blockade has upon the trade and commerce of the United States upon the Gulph, without having produced any serious injury to Mexico or any Beneficial effect to Texas.

The Undersigned does not (nor does the Government of the United States) deny the right of Texas, as a free sovereign and independent government, to grant letters of Marque and Reprisals, or to blockade any port of Mexico. But he denies the propriety, and right of a belligerent to harrass and embarrass, the trade and commerce of a neutral friend, by a blockade unsupported by an adequate force to keep out neutrals. He is constrained to dissent (though respectfully) from the opinion avowed by the acting Secretary of State, when he says at the time of the Sailing of the captured vessel, Texas had a squadron on the Gulf amply efficient and capable of preventing the entrance of neutral vessels into any of the ports of Mexico.

He must insist that since the existence of the Blockade (which is nearly six months) there has seldom been at any Mexican port, a sufficient armed Texan force to prevent the entrance of neutrals, and yet it has had the same pernicious influence upon the trade, and commerce of the United States as if the blockade had been most rigidly enforced. To constitute a lawful Blockade requires the actual presence of a sufficient force stationed at the entrance of the port, and to continue, sufficiently near to prevent communication.

[a] A. L. S. Endorsed "replied to 14th."

The right of a bellegerant to blockade the ports of an enemy, it is conceived should be but seldom, and cautiously exercised, always perplexing, and irritating to neutral friends, seldom producing any serious injury to an enemy, and often a most loosing game to the blockading nation, by draw backs and damages, consequent upon illegal captures and condemnations.

The undersigned Charge d'Affaires begs leave to suggest to the honorable, the acting secretary of state that private armed vessels can only be licensed to capture the vessels and property of an enemy, and that the Government of the United States, cannot sanction the principle that privatiers can under any pretext whatever capture the vessel of neutrals.

He does not arrogate to himself the right nor has he the inclination to dictate to the government of Texas, the policy it ought to persue upon this or any other subject, But from the amicable and friendly relations which have heretofore existed, (and which he most sincerely hopes will forever continue to exist) between the Governments and people of the United States and Texas. The lively interest which the President of the United States has always manifested for the peace prosperity and independence of Texas, and his recent proposition to become the mediator between this and the Mexican government, at the same time kindly asking a cessation of offensive hostilities untill the result of his proposition shall be known from Mexico, he therefore appeals to the magnanimity and liberality, to the kind and friendly disposition which the President of Texas has so often and so signally manifested to the Government and people of the United States, and most respectfully asks him to rescind at *least* for the present his proclamation of Blockade and put it in the power of the undersigned to have the pleasure of announcing that fact to his Government

With renewed assurances of high regard and respect

I have the honor to be

your Obt. servt

JOSEPH EVE

Memorandum of Conference between Houston and Eve and Elliot.

Notes Memorandum

10th Sept 1842.

Presented Honl. Chas Elliot Her Majesty, Chargé d'affaires, to His Excellency, a short address to Mr Elliot by the President, with a reply from Mr. E, expressing the desire of his Govmt for the prosperity, happiness, Independence etc of Texas. Preliminaries over, Judge Eve explained the object of their visit, to be to desire the

President in the name of their Governments (viz) the U. S. and England, to withdraw the proclamation of Blockade, for the present, as it caused great concern with the commercial men of both Govmts, it affected their interests to a great extent, by increasing the commission on Insurance, adding to cost of charter parties, and in fact prohibited many from venturing their vessels and commerce on the Gulf for the Ports of Mexico.

They were instructed by their Govts. to urge these points with the Executive, at the same time stating their Govts. acknowledged and would respect an efficient blockade; as an argument they urged the small pecuniary advantage to this Govet. with probability of its having to pay heavy indemnities etc. After hearing them through the President, (provided they were clothed with such powers) would propose to them, that if they would immediately correspond with Genl Reyes and other Mexican Commanders on the Frontier, and obtain a cessation to the predatory warfare being carried on, that then he could withdraw the blockade, but while the Mexicans were annoying us, we were right in annoying and crippling their resources on the Gulf. These Gentlemen did not conceive their authority [sufficient] to write to a Mexican Military officer on the subject, but that they would feel themselves authorized to write to the representatives of their Governments in Mexico, and request them to urge upon that Govmt the improper policy they were pursuing, at the same time they would inform their Govts. of having so written, and request them to instruct those Representatives to demand of the Mexican Govt. a cessation of its predatory incursions in this country, and the uncivilized warfare, it was carrying on.

They also stated (each of them) that they had been instructed to say, that their Governments had respectively instructed their Ministers in M[exico], to urge the negociation for the recognition of Texian independence by that Govt. at the earliest date, and that they had no doubts but at this time, Mr Pakenham and Mr Thompson were using every effort to effect this object, but, that if we kept up the blockade which was calculated to injure the commerce of their nations, that it would be an obstacle to their efforts, and calculated to dampen their ardor in the cause. Upon these considerations, and the present inefficiency of our blockading squadron the President assured these Gentlemen that he would give the subject a deliberate consideration requesting them at the same time to make a written request to that effect and he would give it an immediate reply, they wrote the same date which was laid before the President, the next day another interview was had, when assurances were given that the blockade should be revoked, on the 12th. a proclamation of Revocation was issued.[a]

[a] See Waples to Eve, September 14, 1842.

Waples to Eve.

Department of State, Texas.
Houston 14th September 1842.

Honl Joseph Eve,
Chargé d' Affaires of the United States
Sir,

I have the honor to acknowledge the receipt of your note of 10th Inst on the subject of the Blockade of the eastern ports of Mexico by this Republic, and to enclose you herewith a copy (signed by himself) of a proclamation of Revocation of Blockade of said Eastern ports of Mexico, issued by the President on the 12th Inst. of which the President desires you to give notice to your Government.

The issueing of this proclamation is another manifestation of a desire of the President to continue the friendship heretofore existing between this and the United States Government;—It was upon the representation of yourself and the Honl Mr Elliot of the desire of your Governments that the commerce between them and Mexico should not be disturbed by Texas, that the order of Blockade was revoked. But, Texas yet maintains and reserves to herself the right to examine the Manifest of Cargo of vessels from the United States bound to said ports of Mexico, and if Articles Contraband of War should be found on board, they are still liable to seizure and detention for adjudication, in accordance with the 23d Article of the Treaty between the United States and Mexico of the 5th April 1831, which is binding between this Govt. and the United States.

With the highest respect and esteem I have the honor to remain
Your most obdt servant

Joseph Waples
Acting Secretary of State.

Waples to Eve.[a]

[Enclosed with the original was a copy of Waples to Benton, September 9, 1842.]

Spencer to Webster.[b]

Resolution of General Council of Choctaw Nation.[c]

[a] September 16, 1842. For the letter and enclosure, see Calendar.
[b] October 5, 1842. See Eve to Waples, October 29, 1842.
[c] October 7, 1842. See Eve to Jones, January 11, 1843 (Calendar).

TERRELL TO EVE.[a]

TERRELL TO EVE.[b]

WAPLES TO VAN ZANDT.

DEPARTMENT OF STATE,
Washington [*Texas*,] *20th Oct 1842*

Honl. ISAAC VAN ZANDT
Chargé d'Affaires etc etc

SIR,

Your letter to the President dated Harrison County 10th Sept. on the subject of your credentials from this Department to the Secretary of State of the United States, has been received.[c] The President instructs me to say, that, as your credence is in perfect accordance with the one of Majr Reily to the United States, of Doctor Smith to England and France and of Judge Eve from the United States to Texas, no difficulty can arise in consequence of informality; and that instructions hereafter from the Government will regulate your powers and extend them to any needful purpose.

You will have heard of the recent predatory marauding incursions of General Woll a Mexican officer into Texas, and of his having taken some seventy five of our citizens prisoners. This mode of warfare is very much deprecated by this Government, and the President is desirous that a stop should be put to it.

At an interview between the President and Judge Eve, Chargé d'affaires of the United States about the 10th Sept, the Judge in urging his request for the recending of the Blockade then existing, assured the President that his Government would interfere as far as it consistently could in causing a cessation of the mode of war being carried on by Mexico against Texas. I would call your attention to this subject, in order that you may lay it before the Government at Washington.

Aside from the assurances of Judge Eve, it might be urged with great propriety upon the Government of the United States as an almost imperative duty to require of Mexico to cease the course she has been pursuing towards this Government. The United States was the first to recognize us as an independent Nation, upon that recognition, thousands of her citizens have emigrated, bringing with them

[a] October 11, 1842. See Calendar. No copy has been found on file with the correspondence or in the records of the Department of State.

[b] October 15, 1842. See Calendar. Copies of the same were sent to Elliot, Smith, and Van Zandt.

[c] This letter has not been found.

their families, their property, their all,—they have been pillaged of their property, their lives have been sacrificed by a savage, unrelentless [*sic*] enemy, contrary to all rules of civilized warfare, they have been deprived of their liberty, and instead of being treated as prisoners of war, have been inhumanely butchered, incarcerated in dungeons with felons and convicts, the lash inflicted and every series of punishment that savage brutality could devise;—thus has been the treatment of those persons from the United States induced to emigrate to this fair land by the acknowledgment by that Government of our Nationality. Therefore, in humanity to those citizens now prisoners, and a cessation of this marauding warfare, an interference on the part of the Government of the United States can be insisted upon, not as a right, but in justice, and which all civilized nations can but acknowledge and approve.

It has now been near seven years since Texas declared herself independent, all this time Mexico has never attempted with a regular invading force to reconquer her, but has been sending small marauding parties upon our defenceless borders, robbing and murdering our citizens, and committing such acts of hostilities as the most savage Indians would consider themselves debased by committing. And this too has been done with the knowledge and sanction of a Govèrnment professing civilization and claiming a rank among Christian nations.

If Mexico is disposed to subdue Texas, and bring her under her control, why does she not come forward at once in such a manner as the world may see and acknowledge as honorable and just, and if success crowns her efforts, then she can have the credit of her success. Texas does not pretend to deny her right to make the effort, nor does she ask the interference of other governments in preventing her making it in an honorable way, she is ready and willing that the question should be tested on the Battle field, and the war closed by a trial of arms, and trust to the fate of battles for the issue, but, she does conceive her right to protest against the manner [in which] the war has been conducted since 1836, and with the conciousness of that right, now calls upon the United States to interpose in her behalf for the attainment of that object.

I send herewith an extract from a note of Judge Eve to Secty of State of 10th Sept, in which he urges upon the Government to recind the blockade and cease hostilities until the proffered mediation of the United States can be heard from;—upon this request the President on the 12th issued a proclamation revoking the order of blockade, though at a time too, when our vessels were in New Orleans nearly fitted out for enforcing it with greater rigor and efficiency than it had been, but rather than injure the commerce of a Neutral Nation when that Nation was engaged in mediating for our recognition, and not wish-

ing to throw any obstacle in the way, he was induced to cease hostilities, against Mexico for the time.

The President hopes you will present this subject in such a manner as may prove satisfactory to the Govt of the United States, and of lasting benefit to Texas. He has had a communication sent to Judge Eve and Capt Elliot on the subject of their Government's interposition against Mexican hostilities upon Texas.

I have the honor to be,
Your most obdt servt

JOS WAPLES
Acting Secty of State.

SMITH TO VAN ZANDT.[a]

TAYLOR TO THE ADJUTANT-GENERAL OF THE ARMY.[b]

EVE TO WAPLES.[c]

[Enclosed originally was (the enclosure is not now on file with the letter) Spencer to Webster, October 5, 1842.]

EVE TO WAPLES.[d]

LEGATION OF THE UNITED STATES
Galvaston November 1st. 1342

The Hon.
JOSEPH WAPLES
Acting secretary of State of Texas

SIR

I have the honor to acknowledge the receipt of the Honorable G. W. Terrell's note to me, of the 15th. October, upon the Subject of the war between Mexico and Texas, and the manner in which it has been waged by Mexico, expressing the confident hopes of the President of Texas that the Government of the United States, will feel not only justified, but even called upon to interpose its high authority to arrest this course of proceeding, and to require of Mexico either the recognition of the independence [of Texas], or

[a] October 21, 1842. See Van Zandt to Terrell, December 7, 1842.
[b] October 25, 1842. See Eve to Jones, December 18, 1842.
[c] October 29, 1842. For this letter and the inclosure see Calendar.
[d] A. L. S.

to make war upon her according to the rules established and universally recognized by civilized nations.

It was not received until today or it would have been answered sooner, in reply to which the Undersigned, while he feels the force of the sentiment avowed, that war in its mildest form is a most dreadful calamity, to be deprecated by the Philosopher and Philanthropist, when arrayed in all its terrors by nations rushing upon each other to gratify feelings of revenge, for real or supposed injuries and perfidies, regardless of the laws of humanity and the usages of civilized nations, it then becomes the greatest scourge that can befall any people

As a friend to humanity, to Texas, and Mexico he would feel much gratified to see a permanent peace and friendly intercourse established between the two Governments, but he is not authorized to give any opinion, as to the course the Government of the United [States] may take upon this momentuous subject. He will avail himself of the first opertunity to transmit a copy of Judge Terrells Letter to the Secretary of State of the United States with the full confidence that the Government will do every thing in its power, consistant with the position in which it stands towards Texas and Mexico, not only to mitigate the horrours of war should Mexico persist in carrying it on, but to promote a permanent peace between them

With renewed assurances of high regard and Respect I have the honor to be

Your Obedient Servant

JOSEPH EVE

HAMILTON TO HOUSTON.[a]

BROWER TO VAN ZANDT.[b]

BENTON TO JONES.[c]

JONES TO EVE.[d]

[a] November 6, 1842. See Jones to Van Zandt, December 25, 1842.
[b] November 8, 1842 (extract). See Van Zandt to Terrell, December 7, 1842.
[c] November 15, 1842 (extract). See Jones to Van Zandt, December 30, 1842.
[d] November 18, 1842. See Calendar. The date of the printed letter is given as November 19.

HAMILTON TO HOUSTON.[a]

VAN ZANDT TO WEBSTER.[b]

VAN ZANDT TO TERRELL.[c]

Despatch 92

LEGATION OF TEXAS,
Washington City Dec 7th 1842

Honl.
G W TERREL
Atto Gnl and Acting Sec. of State,

SIR

I have the honor to inform you that I arrived in this City on Sunday last after having been detained much by the way from the ill health of myself and little son of which I informed the President in my last communication dated Madison County Tennessee and which I hope came safely to hand. I regreted exceedingly my detention but trust no serious detriment will result from it

I found in the Post Office on my arrival and have the pleasure to acknowledge the receipt of three despatches from your department dated 30 August 20 and 22nd of October,[d] the contents of which have and will continue to interest my attention

On Monday P. M. I was placed in possession (by Mr Moffet) of some books and papers said to constitute the archives of the Legation at this place, an invoice of which I will forward to your department as early as practicable

On Tuesday Morning I addressed to Mr. Webster Secretary of State of the United States the following note,

Viz)

LEGATION OF TEXAS
Washington City 6th Dec 1842

To the Honl.
DANIEL WEBSTER
Secretary of State
of the United States:

The undersigned having been appointed Charge d'Affaires of the Republic of Texas near the Govt of the United States, has the honor

[a] November 25, 1842. See Jones to Van Zandt, December 25, 1842.
[b] December 6, 1842. See Van Zandt to Terrell, December 7, 1842.
[c] A. L. S.
[d] Those of August 30 and October 22 have not been found.

to make known to Mr. Webster his arrival in this City and requests to be informed at what time it may suit the convenience of Mr. Webster to receive him for the purpose of delivering his letter of Credence.

The undersigned avails himself of this occasion to offer to Mr. Webster assurances of his high consideration

signd) Isaac Van Zandt

To which I recd a note in reply informing me that I would be received at the Department of State at 12 oclock M. to day for the purpose of presenting my letter of Credence.

Accordingly at 12 oclock I proceded to the department where I was recd and treated with great civility by Mr Webster . Our interview lasted about three quarters of an hour during which time the relations between Texas and Mexico our Indian affaires and the Treaty concluded by Mr. Riley with Mr. Webster were the principle topics of conversation. I inquired of Mr. Webster whether the treaty would likely be ratified without much opposition, he replied not: that a strong opposition was organising against it who were desirous to prevent any treaty whatever between the two Governments. this oposition arose from the holders of Texas liabilities which consisted of scrip notes etc. which he said he was informed had been repudiated by Texas. That this policy of Texas had worked much injury to our cause, that it was an evidence that much loose management must have been had in our financial affaires and such a course was well calculated to destroy Confidence in our government. These remarks though made in a kind tone of manner failed not to have their effect upon me I felt there was some truth and much force in them. I replied to Mr. Webster that it was true that Texas was unable to meet her liabilities at this time in such mon[e]y as might be entirely satisfactory to the holders thereof, and that she had refused to receive them for taxes or impost duties but that it was not true that we had determined to finally repudiate them or refuse their payment when we became able that the government was doing all in its power to meet her engagements. We had proposed to receive them in payment of land dues or the holders might now obtain land itself for them under the law of 1841 at two dollars per acre, this arrangement I thought an advantageous one especially to those who had obtained our liabilities at their reduced rate. I said to Mr Webster that I was sure when the matter was properly stated it could not act as a serious obstacle to the ratification of the treaty, if she had fully repudiated the whole debt which was not the case in this particular it might be urged in extenuation that we had had a high precedent for it. Mr Webster said he thought much good would result if it was generally known that we offered lands for our liabilities. This matter shall receive further attention so soon as I have leisure.

With respect to our Indian affairs I informed Mr Webster I was instructed to lay before him the facts in relation to the illicit trade now carried on between the Indians living south of Red River and the half breeds and white traders north of that River that great inducement was held out to them to plunder the inhabitants of our frontier, as these traders furnished a ready market for such property so taken. Mr Webster Replied that the government of the United States was anxious to do all in her power to secure peace and safety to the frontier of Texas as well as the United States and requested me to address him a note upon the subject that he might lay the same before the war department for its action. This request I shall comply with as early as possible and have no doubt this govt will take the necessary steps to interdict the trade alluded to. I will advise you[r] department at the earliest period [of] any action that may be had by this government upon this subject.

The relations of our government with Mexico were discussed by Mr Webster and myself at some length. I asked him if he had been sufficiently informed upon the subject to determine whether the friendly interference of the United States would avail any thing in reconcileing the differences of the two countries. He replied with earnestness that we could expect nothing from that source, that it was the great desire of the United States to see the difficulties settled between Texas and Mexico but at present he entertained no hope of an amicable arrangement. Said he "Santa Anna is determined to make another effort to subdue Texas." Texas must have one more hard fight and if *he*[a] was permitted to advise Texas *he* would say make the best preperation you can. I replied to him that Texas if she had to fight did not dread the crisis, she would court it, she only asked that there might be a termination of the war, the manner of that termination she was willing to leave to the choice of her enemy. Here I informed Mr Webster that I was instructed to lay before his Government the manner of the war which for some time had been carried on by Mexico against Texas and to invoke the United States to interpose its high authority to arrest a species of aggressions which was in violation of the rules of civilized warfare derogatory to the established principles of international law and alike disgraceful to the age.

I directed his attention to the different incursions which have been made upon our settlements for the last eighteen months and the many flagrant outrages which had been commited upon our citizens (who were taken prisoners) in violating the expressed stipulations of their surrender. I invited his attention to the fact that the United States were the first to recognize our Independence and by that recognition many of her citizens were induced to emigrate to Texas and

[a] In the original this "*he*" and the next are enclosed in parentheses.

were now exposed to the outrages to which I had alluded That Texas did not demand this interposition as a matter of right but that such interference the government of Texas believed to be clearly admisable and one that would meet the sanction of every civilized and enlightened nation. Mr Webster replied that the United States being the leading nation on the continent had ever been desirous that these high principles so long established and sanctioned by the wisdom of ages should be strictly conformed to by the neighbouring powers and that she had never failed to deprecate a different usage or practice and that the subject should receive a favorable consideration. He requested I should call during the week again and see him on the subject. I shall not fail to press this matter with the best abilities which I have, and in the mesne [a] time shall present a written communication to the State department, embodying the substance of the facts and arguments couched in the despatches from your department. What course the United States may take in this matter I am unable to say I am satisfied however that every thing will be done which can be accomplished without interfereing with the friendly relations of Mexico. Mr Webster informed me that there was no prospects of any immediate difficulties of a serious character between his Government and Mexico.

From this I am satisfied that nothing will be done which would likely produce a colision between the United States and Mexico. In concluding our conversation Mr. Webster remarked that he was of opinion that in sixty or at furtherest one hundred and twenty days Santa Anna would attempt again to invade Texas and that nothing would prevent it without he met with a total defeat in Yucatan or some revolution broke out in Mexico—that Texas must succeed he had no doubt for whenever the struggle became warm Texas would be sure to get a large force *from the South West.*

I recd from Dr Smith a communication of which the following is a copy which (if your department has not been otherwise informed) will acquaint you of the failure of the British mediation and the views of Dr Smith in regard to the war—

"3 St James's Street

"*Oct 21st 1842*

"Dear Sir

"Mexico has rejected the mediation of England in the most positive "manner. Mr. Packenham the British Minister at Mexico says the "acceptance of the mediation by Mexico is uterly hopeless He also "writes that the Mexicans are determined to wage war with all their "means against Texas early the ensuing spring. The two steamers "which have been recently se[n]t out from England with their other

[a] Mean.

"naval force will enable them to annoy us very seriously. *Texas*
"*must fight* The English Government have refused to act conjointly
"with the United States in making a "triple representation" to
"Mexico in regard to the contest between Texas and Mexico The
"British gov't alledge as a reason for their refusal the unfriendly
"relations subsisting between Mexico and the United States They
"have however tendered their *good offices* to the Mexican Govern-
"ment in relation to these "unfriendly relations" You may depend
"on these facts as I read the despatches at the foreign office

"*In great haste*

"Truly

"ASHBEL SMITH

"France acceded to the "triple interposition" with alacrity and
"friendly zeal"

I recd also from Mr B[r]ower our Consul at New York under date of 8th Nov a communication from which I extract the following

"England will use no means to prevent the Steamers, built, armed
"and maned in England from taking an active and efficient part in
"the contest against Texas Depend on it Texas must fight"

I have met with many gentlemen of high standing here and elsewhere who are warm friends of Texas and who seem to take a deep interest in our affaires Among them seems to exist the greatest difference of opinion in regard to the policy Texas should pursue The more sanguine are in favor of offensive operations, others again, think Texas should confine her operations to her own soil Gentlemen from all quarters seem to unite in this however, that emigration of a substantial character must cease in a great measure untill our difficulties are settled. I have met many gentlemen of capital who are desirous to emigrate to Texas but who prefer to remain here with less proffits [rather] than risk their estates in Texas.

Permit me to suggest to your department the fact that this legation has never been furnished with a full set of the statute laws of Texas. The Statutes of /38–/39 and /41 are all that I am able to find. There is nothing here by which I might show the extent of our limits, amount of exports—or imports the amount of revenues arising from either direct or indirect taxatation, in fact there is nothing here which would exhibit anything in regard to Texas save the acts above alluded to, the Journals of the Consultation Journals of the Senate and House of Representatives for two or three sessions and Fo-o-t-s[a] history of Texas. While this legation is furnished with copies of the full proceedings of the United States Congress Reports etc of the

[a] Possibly the name was written in this form to suggest a lengthened pronounciation used in joking fashion.

different Departments and every thing necessary to exhibit her situation—I feel confident that it is only necessary to call your attention to these facts when their importance will be sufficiently apparent

I am compelled to answer the numerous inquiries that are hourly made (and there are very many indeed) from my own recollection. I do hope that I may be furnished at least with a copy of laws complete. They may be sent to New Orleans thence to New York care of Texian Consul who will forward them to me.

I have had no inteligence from any source except United States papers in relation to Genl. Woll's campaign against Texas. Quite a sensation was produced among those who were not well informed on the subject by a placard or proclamation of the Mexican Consul in New Orleans who represented the loss of Texas as amounting to several hundred killed and wounded. When called on in regard to it I pronounced it a base falsehood at once but could only refer to other newspaper statements to prove the falsehood, aside from the well known prowess of the Texian arms

Mr Adams has again gotten up the abolition excitement in the House of Representatives For three days have they had before them a resolution changing the rule which forbids their introduction.[a] The rule will not be rescinded I think. I send you a copy of President Tylers Message. The President is sick at this time which circumstance has deprived me of seeing him yet.

I look with much anxiety for Genl Houstons Message and trust I shall soon receive it. Mr Webster said to me in conversation he was anxious to see it for he had great respect for the views of the President of Texas.

Trusting that your effort in the Department which is under your charge may result with eminent advantage to the country I have the honor to be with high consideration

Your Obt Sert.

ISAAC VAN ZANDT

ELLIOT TO HOUSTON.[b]

EVE TO JONES.[c]

[a] That is, of petitions relative to slavery.
[b] December 7, 1842. See Jones to Van Zandt, December 25, 1842.
[c] A. L. S., December 10, 1842. See Calendar.

EVE TO JONES.

LEGATION OF THE UNITED STATES,
Galveston December 10th. 1842

The Honble.
ANSON JONES
Secretary of State of Texas

SIR

Since my return to Galveston I have received a letter from General Thompson United States minister at Mexico.

In which he says I received by the last mail, your letter upon the subject of the predatory war now waged by Mexico against Texas, that he would in a few days have an interview with the President upon the subject, but with little hope of accomplishing much as the feeling there is unanimous against Texas.

He says on the subject of his advances made to the Santa fe prisoners but for the most fortunate appropriation by the Government of the United States, his confidence in Texeans and their Government would have ruined him. As it is there will be a ballance yet due of $3000 provided some draughts drawn by General Mc. Leod are paid, if they are not paid it will be ($6,500) six thousand five hundred dollars for which he is liable, and to raise which he will have to sell his house and home. Will the Government and people of Texas permit this. All the prisoner[s] speak in the most kind and affectionate terms of General Thom[p]son's great personal exertions, and large pecuniary advances to alleviate their suffering and without which they would not have been able to return home.

Let it not be forgotten that General Thompson was one of the earliest and most zealous friends of Texas, and that it was upon resolutions presented by him in the house of Representatives of the Congress of the United States that Texas was recognized by that Government.

I cannot imagine a stronger claim than that of General Thompson's upon the justice, the sympathy, and magnanimity of the Government and people of Texas and most earnestly call your attention to it with the full confidence that an appropriation will be made amply sufficient to relieve him

With renewed assurances of high regard
I am your obt. servt

JOSEPH EVE.

REILY TO WAPLES.[a]

HOUSTON *Decr 12th 1842.*

SIR

Accompanying I have the honor to transmit the Treaty of Amity, Commerce and Navigation concluded between the Hon Daniel Web-

[a] A. L. S.

ster Secretary of State of the United States and myself. Early in September last I forwarded to the Department of State the duplicate of said treaty, but on my arrival in Orleans on my way home learned with much regret that the treaty together with the despatch covering it, had been lost by the destruction of the Steamship Merchant. I have written to the Hon Isaac N. Van Zandt Texan Chargé at Washington to procure and forward immediately to the department a copy of the last despatch. In the absence of that despatch which gives in full the reasons upon which the most important points were settled. I can only say in brief that all the matters which could be embraced in a commercial convention, have been included which were deemed essential to a good understanding between the two governments and of advantage to Texas.

The treaty is reciprocal in its terms. Upon the subject of tonnage I would remark that altho the United States government impose no tonnage duties still under the Treaty Texas can impose whatever tonnage duties she pleases so long as she makes as is the case no discrimination between vessels of her own and those of the United States coming from ports foreign to Texas. The coasting trade is reserved to each nation expressly.

The doctrine that "free ships make free goods" and that "the flag covers the goods" has not been recognized in this treaty considering it as impolitic at all times. but more especially situated as Texas is in regard to Mexico, with whom she is at war and much of whose supplies, commerce and merchandize is carried in American bottoms from American ports and in return for which there is annually shipped valuable cargoes of gold—silver—peltries etc etc under the American flag consigned by the Mexican owners to their merchants in the United States, as also to Europe.

The free navigation of the River Sabine from its source to the sea, and of the rivers Red and all rivers running through or constituting the boundaries of Texas and emptying into the Mississippi and the Mississippi itself from the mouth or mouths of said Rivers to the sea has been secured. A concession upon the part of the United States of the greatest advantage to Texas.

For the term of five years from the ratification the right of selling Texas cotton in the ports of United States free of all duty has been obtained. This is a most valuable privilege in as much as it saves our planting community and merchants from the loss and expense attendant upon the payment of the cash duties now required by the revenue laws of the United States and secures them from the charges and delays necessarily consequent even upon the bonding system heretofore practised. It opens up to Texas the right of shipping upon vessels of [the] United States or France or any friendly

power to Europe without being subject to the imposition in the shape of high freight which arises from the fact that English vessels can and must be alone our carriers when our cotton is shipped to English ports and thus depriving us of the privilege of having the benefit of the competition which exists when [we have] the privilege of making use of either the American or English marine. It is calculated to save thousands annually to our merchants and planters. The right of repackage for exportation after the expiration of the five years has also been obtained, a right heretofore denied much to our injury. All other products are admitted into the ports of the United States under such regulations as may be established by the President of the United States. It will as a matter of course be the duty and business of the Representative from Texas to [the] United States to have such regulations made for the entry of our peltries—sugar—rice—cattle—wheat etc etc, as may be most compatible to the interest of Texas and least burdensome to the citizens.

The subject of the Indian relations has been adjusted in a way to secure their quiet and prevent them from molesting the citizens of the two countries. The government is advised of the fact that early in the Spring I had both the satisfaction and honor of inducing the government of the United States to concentrate a large and efficient force of troops along the Arkansas and Louisiana frontiers to keep the Indians in subjection. This has long been desired.

An extraditional article is inserted for the surrender of fugitives from justice. This provision is embraced in this and the treaty lately concluded between the United States and Great Britain. The confirmation by the senate of Texas of a treaty containing such a provision would have a most beneficial influence upon our national character and go far to vindicate us from the foul aspersion so often cast upon us, that our land is an assylum for villains, and that Texas welcomes with outstretched arms felons the most base and is ever ready to shield from the vengence of outraged laws the culprit who seeks her soil no matter how deep dyed in crime.

It is not my intention to enter into a detailed account of the advantages of the treaty but merely to touch upon the most important subjects. After again expressing my regrets at the loss of the copy forwarded and the despatch accompanying, I have the honor to enclose for the consideration of the government a triplicate copy which for fear of accidents Mr Webster did me the honor to sign.

With sentiments of highest respect

Yours,

JAMES REILY

JOSEPH WAPLES Esqr
Acting Secretary of State
Republic of Texas.

Treaty of Amity, Commerce and Navigation between the Republic of Texas and the United States of America.

The Republic of Texas and the United States of America, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between the two countries, and of extending and consolidating the commercial intercourse between them, have agreed to enter into negotiations for the conclusion of a treaty of amity, navigation and commerce: For which purpose the President of Texas has conferred full powers on James Reily accredited to the Government of the United States as Chargé d'Affaires of that Republic, and the President of the United States has conferred like powers on Daniel Webster, their Secretary of State; and the said Plenipotentiaries having exchanged their full powers, found in good and due form, have concluded and signed the following articles

ARTICLE I.

There shall exist throughout the territory of the Republic of Texas and the United States and between the people and citizens of both, a lasting peace and friendship.

ARTICLE II.

There shall be between the territory of the Republic of Texas and the territory of the United States, a reciprocal liberty of commerce. The inhabitants of the two countries respectively shall have liberty freely and securely to come with their ships and cargoes to all such places ports and rivers in the territories aforesaid to which other foreigners are permitted to come, to enter into the same and to remain and reside in any parts of the said territories respectively, also to hire and occupy houses and warehouses for the purposes of their commerce, and generally the merchants and traders of each nation respectively shall enjoy the most complete protection and security for their commerce, but subject always to the laws of the two countries respectively. This article, however, shall not be understood to authorize the coasting trade, which is permitted to National vessels only.

ARTICLE III.

No higher or other duties shall be imposed on the importation into Texas of any articles the growth, produce or manufacture of the United States, and no higher or other duties shall be imposed on the importation into the United States of any articles the growth, produce or manufacture of Texas, than are or shall be payable on the like articles, being the growth, produce or manufacture of any other foreign country, nor shall any higher or other duties or charges be imposed in either of the two countries on the exportation of any articles to Texas or to the United States, respectively, than such as are payable on the exportation of the like articles to any other foreign country, nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce or manufacture of Texas or of the United States, to or from the United States or to or from Texas, which shall not equally extend to all other nations.

No higher or other duties or charges shall be imposed in any of the ports of Texas on vessels of the United States, than those payable in the same ports by Texan vessels, nor in the ports of the United States on Texan vessels than shall be payable in the same ports on vessels of the United States.

The same duties shall be paid on the importation into Texas of any articles, the growth, produce or manufacture of the United States, whether such importation shall be in Texan vessels or in vessels of the United States; and the same duties shall be paid on the importation into the ports of the United States of any article, the growth, produce or manufacture of Texas; whether such importation shall be in vessels of the United States or in Texan vessels.

The same duties shall be paid and the same bounties allowed on the exportation of any articles, the growth, produce or manufacture of the United States to Texas, whether such exportation shall be in Texan vessels or in vessels of the United States; and the same duties shall be paid and the same bounties allowed on the exportation of any articles, the growth, produce or manufacture of Texas to the United States, whether such exportation shall be in vessels of the United States or in Texan vessels.

It is further agreed that in all cases where drawbacks are, or may be allowed upon the reëxportation of any goods, the growth, produce or manufacture of either country, respectively, the amount of the said drawbacks shall be the same, whether the said goods shall have been originally imported in a vessel of the United States or in a Texan vessel, but when such reëxportation shall take place from Texas in a vessel of the United States, or from the United States in a Texan vessel, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback.

Article IV.

The two contracting parties agree that the Sabine from its source to the sea, the Red River, and all rivers having their sources or origin in the territory of Texas, running in part of their course through that territory, or forming the boundary between the United States and Texas and emptying into the river Mississippi, and the Mississippi itself, from and including the mouth or mouths of said rivers to the sea, shall be free to be navigated and common to both nations, and that no duty shall be levied or collected upon any articles, the growth, produce or manufacture of Texas originally transported down the above named rivers or transported for the purpose of descent and exportation to any ports or places situated thereon, provided, however, that it shall be lawful for the President of the United States to establish such rules and regulations as may be necessary for the proper observance within the United States of the stipulations contained in this and the next succeeding article.

Article V.

The two contracting parties agree that on all articles the growth, produce or manufacture of either country, sent from one country to the other by land, river or sea and exported to a foreign country, no duties or charges shall be required to be paid to the power within and from out of whose limits such articles arrive and depart, that they may be repacked for exportation, under the inspection of the proper authorities and at the expense of the party interested, and that raw cotton, the produce of either country, may be imported into the other free of duty for five years from the exchange of the ratifications of this Treaty.

Article VI.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded or

invested, it is agreed that every vessel so situated may be turned away from such port or place; but shall not be detained, nor shall any part of her cargo, if not contraband, be confiscated, unless, after warning of such blockade or investment from the commanding officer of the blockading force, she should again attempt to enter the blockaded port; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel of either of the contracting parties that may have entered such port before the same was actually besieged, blockaded or invested by the other be restrained from quitting such place with her cargo if not contraband, nor if found therein after the surrender, shall such vessel or her cargo, if not contraband, be liable to confiscation, but she shall be restored to the owner thereof.

ARTICLE VII.

To avoid all kind of vexation and abuse in the examination of the papers relating to the ownership of the vessels belonging to the citizens of the two contracting parties, they have agreed and do agree, that in case one of them should be engaged in war, the ships and vessels belonging to citizens of the other must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, and also the name and place of habitation of the master or commander of said vessel, in order that it may thereby appear that the ship really and truly belongs to citizens of one of the contracting parties: they have likewise agreed, that such vessels being laden, besides the said sea-letters or passports, shall also be provided with certificates, containing the several particulars of the cargo and the place whence the vessel sailed, so that it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place whence the vessel sailed, in the accustomed form: without which requisites, the said vessel may be detained to be adjudged by the competent tribunal and may be declared legal prize, unless the said defects shall be satsfied or supplied by testimony entirely equivalent.

ARTICLE VIII.

To prevent all kinds of disorder and irregularity in the visiting and examining of the ships and cargoes of both the contracting parties on the high seas, they have mutually agreed that whenever a vessel of war, public or private, shall meet with a neutral of the other contracting party, the first shall remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than necessary to man it, for the purpose of executing the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence or ill treatment, in respect of which the commanders of said armed vessels shall be responsible with their persons and property.

ARTICLE IX.

It is moreover agreed that in all cases the established courts for prize causes in the country to which the prize may be conducted, shall alone take cognizance of them, and whenever such tribunal or court shall pass judgement against any vessel, goods or property claimed by citizens of the other party, the sentence or decree shall mention the reasons or motives in which the same shall have been founded, and an authenticated copy of the sentence or decree and of all the proceedings in the case shall, if demanded, be delivered to the commander or agent of said vessel or property, without any excuse or delay, he paying the legal fees for the same.

ARTICLE X.

The liberty of commerce and navigation shall extend to all kinds of merchandize excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods, shall be comprehended, first, cannons, mortars, howitzers, swivels, blunderbusses, musquets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, grenades, bombs, powder, matches, balls, and all other things belonging to the use of these arms: secondly, bucklers, helmets, breast-plates, infantry belts and clothes made up in a military form and for a military use: thirdly, cavalry belts and horses with their furniture: fourthly and generally, all kinds of arms and instruments of iron, steel, brass and copper or of any other materials manufactured, prepared and formed expressly to make war by sea or land.

ARTICLE XI.

All other merchandize and things not comprehended in the articles of contraband expressly enumerated and classified as above and belonging to citizens of either of the contracting parties or to citizens or subjects of other countries with which both Texas and the United States are at peace, shall be held and considered as free and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in that particular, it is declared that those places only are besieged or blockaded, which are actually besieged or blockaded by a belligerent force capable of preventing the entry of the neutral.

ARTICLE XII.

Articles of contrabrand which may be found in a vessel bound for an enemy's port shall be subject to detention and confiscation, leaving free the rest of the cargo, if the property of citizens of the contracting parties or of citizens or subjects of countries with which Texas and the United States are at peace, and also leaving the vessel free, that the owners may dispose of them as they see proper. No vessels of either of the two nations shall be detained on the high seas on account of having on board articles of contrabrand, whenever the master, captain or supercargo of said vessel will deliver up the articles of contrabrand to the captor, unless the quantity of such articles be so great and of so large a bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgement according to law.

ARTICLE XIII.

The citizens of each of the contracting parties shall have power to dispose of their personal effects within the jurisdiction of the other, by sale, donation, testament or otherwise; and their representatives, being citizens of the other party, shall succeed to the said personal effects, whether by testament or ab intestato, and may take possession thereof, either themselves or by others acting for them and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein such effects are, shall be subject to pay in like cases.

ARTICLE XIV.

Both the contracting parties solemnly promise and engage to give their special protection to the persons and property of the citizens of each other of all classes and occupations, who may be in the territories subject to the jurisdiction of one or the other, transient or dwelling therein, and to leave open and free to their respective citizens of all denominations the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives and citizens of either country, and not incompatible with the existing laws.

ARTICLE XV.

To make more effectual the protection which the contracting parties shall afford in future to the navigation and commerce of the citizens of each other, they agree to receive and admit consuls and vice consuls in all ports open to foreign commerce, who shall enjoy within their respective consular districts, all the rights, prerogatives and immunities of the consuls and vice-consuls of the most favored nations, each contracting party, however, remaining at liberty to except those ports and places in which the admission and residence of such functionaries may not seem convenient.

ARTICLE XVI.

In order that the consuls and vice-consuls of the two contracting parties may enjoy the rights, prerogatives and immunities which belong to them by their public character, they shall, before entering upon the exercise of their functions, exhibit their commission or patent in due form, to the government to which they are accredited, and having received their exequatur, they shall be held and considered as such consuls and vice-consuls by all the authorities, magistrates and inhabitants in the consular district in which they reside.

ARTICLE XVII.

It is likewise agreed that the consuls, vice-consuls, their secretaries and persons attached to their service (they not being citizens of the country where the consul or vice-consul resides) shall be exempt from all public service and also from all kind of taxes, imposts and contributions except those which they shall be obliged to pay on account of commerce or their property and from which the citizens of their respective countries, resident in the other, are not exempt in virtue of the stipulations contained in this treaty, they being in every thing besides, subject to the laws of the respective states. The archives and papers of the consulates shall be respected inviolably, and under no pretext whatever shall any magistrate or other person, seize or in any way interfere with them.

ARTICLE XVIII.

The said consuls and vice consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country, and for this purpose they shall address themselves to the courts, judges or officers competent and shall demand the said deserters in writing, proving by an exhibition of the ship's roll or other publick document that the men so demanded are part of the crew of the vessel from which it is alleged they have deserted and on

this demand so proved (saving, however, where the contrary is more conclusively proved) the delivery shall not be refused: such deserters when arrested, shall be put at the disposal of the said consuls, or vice consuls, and may be put in the public prisons at the request and expense of those who claim them, to be sent to the ships to which they belong, or to others of the same nation, but if they should not be sent within two months to be counted from the day of their arrest, they shall be set at liberty and shall be no more arrested for the same cause.

ARTICLE XIX.

It is likewise agreed that the two contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian tribes who inhabit the lands adjacent to the lines and rivers which form the boundaries of the two countries; and the better to attain this object, both parties bind themselves expressly to restrain, by force, all hostilities and incursions on the part of Indians residing within their respective boundaries, so that Texas will not permit the Indians residing within her territory, to attack the citizens of the United States or the Indians residing within the limits of the United States, nor will the United States suffer their Indians to attack the citizens of Texas nor the Indians inhabiting her territory, in any manner whatever.

ARTICLE XX.

In the event of any person or persons captured by the Indians who inhabit the territory of either of the contracting parties, being or having been carried into the territory of the other, both governments engage and bind themselves in the most solemn manner to return them to their country so soon as they know of their being within their respective territories, or to deliver them up to the agent or representative of the government that claims them, giving to each other, reciprocally, timely notice, and the claimant paying the expenses incurred in the transmission and maintenance of such person or persons who, in the meantime, shall be treated with the utmost hospitality by the local authorities of the place where they may be.

ARTICLE XXI.

It is agreed that the Government of Texas and the Government of the United States shall upon mutual requisitions by them, or their Ministers, Officers or Authorities, respectively made, deliver up to justice, all persons, who being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, or any crime amounting to felony or grand larceny, shall seek an asylum, or shall be found within the territories of the other: provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed. And the respective Judges and other Magistrates of the two Governments shall have power, jurisdiction and authority, upon complaint made under oath to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such Judges or other Magistrates respectively to the end that the evidence of criminality may be heard and considered; and if on such hearing the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining Judge or Magistrate to certify the same to the proper Executive authority, that a warrant may issue for the delivery of such fugitive.

ARTICLE XXII.

Except as is otherwise provided by the fifth article, this treaty shall be in force for ten years from the day of the exchange of the ratifications thereof; and further until the end of one year after either of the contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at the end of the said term of ten years. And it is agreed that on the expiration of one year after such notice shall have been received by either of them from the other, as above mentioned, this treaty shall in all the parts relating to commerce and navigation altogether cease and determine, and in all those parts which relate to peace and friendship, it shall be perpetually binding on both parties.

This treaty shall be ratified by the President of Texas by and with the advice and consent of the Senate of that Republic, and by the President by and with the advice and consent of the Senate of the United States; and the ratifications shall be exchanged at Washington within ten months from its date, or sooner, if practicable. .

In faith whereof, we, the Plenipotentiaries of the Republic of Texas, and of the United States have signed and sealed these presents.

Done at Washington on the thirtieth day of July in the year of our Lord one thousand eight hundred and forty two, in the seventh year of the Independence of the Republic of Texas, and the sixty seventh of that of the United States.

JAMES REILY DANL. WEBSTER.

VAN ZANDT TO WEBSTER.[a]

VAN ZANDT TO WEBSTER.[b]

EVE TO JONES.[c]

[Enclosed is a copy of Taylor to the Adjutant General (Jones), October 25, 1842.]

HOUSTON TO THE SENATE OF THE REPUBLIC OF TEXAS.[d]

JONES TO EVE.[e]

[a] December 14, 1842. See Van Zandt to Terrell, December 23, 1842.
[b] December 16, 1842. See Van Zandt to Terrell, December 23, 1842.
[c] A. L. S., December 18, 1842. For this letter and the enclosure see Calendar.
[d] Message of December 19, 1842. See Jones to Van Zandt, December 28, 1842.
[e] December 21, 1842. See Calendar.

JONES TO VAN ZANDT.

WASHINGTON [TEXAS,] *Decr. 23d 1842*

TO ISAAC VAN ZANDT Esq
Charge d'Affaires of Texas
etc etc

SIR,

By recent information received from the various Indian Tribes who have heretofore been committing hostile depredations upon our frontier settlements and within our limits, it is understood that they are now willing and anxious to hold a Council and to conclude a treaty of peace. For this purpose Commissioners have been appointed on the part of Texas: and the 9th day of February next and the old Waco Village on the Brazos River have been fixed upon as the time and place of holding a general Council with those Indians. The President of the United States having signified his assent, to the request made by Mr. Reily that he would appoint a Commissioner or Commissioners to be present and make the United States a party to the Treaty and a mutual guarantor to the two other parties, whenever the time and place were made known to him, I have communicated a notice of these facts to Mr. Eve Chargé d' Affaires of the United States to this Govt. with a request that he would transmit the same to his Govt. in order that the Commissioners might be appointed and have time to arrive and be present at the time specified. An earlier notice would have been given, or a later period fixed upon for holding the Council, but the difficulty of communicating with so many tribes of hostiles, and receiving replies, rendered the former impossible and the fact that Mexico, may invade us in March makes it of the utmost importance to Texas that the proposed treaty should be concluded as near the time fixed upon for the Council as practicable.

You will therefore, (if at Washington City when this arrives,) urge upon the President of the United States the appointment of the Commissioners immediately; as the time will be so short,—and their early departure for the Council ground. It is perhaps possible that the Indians may be delayed a few days for them. But at all events the Commissioners on the part of the United States, should not delay their arrival at the Waco Village later than the 20th of February.

I have the honor to be
Very Respectfully
Your Most Obt Svt

Signed ANSON JONES

VAN ZANDT TO TERRELL.[a]

Despatch No 93

LEGATION OF TEXAS
Washington City Decr. 23rd. 1842

Hon
G W TERRELL
Atty Genl. and Actg Secty of State

SIR

I have the honor to inform you that on the 12th. inst I enclosed to Hon Daniel Webster Secretary of State of the United States the Commission of William B Hamilton as Consul of the Republic of Texas for the Port of Richmond Va. with a request that upon the recognition of that Gentleman as such by the President he would send me the necessary exequatur and return the Commission. My request was promptly complied with and I immediately thereafter enclosed and sent to Mr Hamilton his commission and exequatur with a short letter of instructions in relation to the duties of his office, not being able to send him a printed copy of instructions as instructed by the Department, the only copy belonging to the Legation being one which was brought by me from Texas and which I deemed necessary for my own reference. And here permit me to again call your attention to the necessity of supplying this Legation with a sufficient number of Consular instructions so that I may be enabled to furnish those Consuls who have not yet obtained the same: as also at least one full copy of the Statutes. I was applied to a few days since by the Minister of the Netherlands for a copy of our Laws for his perusal and to my great mortification was compelled to make known to him the inability of this Legation to comply with his request. This subject though of minor importance will I hope receive the prompt attention of your Department.

In compliance with the instructions of your Department and in conformity with my intentions as stated in my last despatch I addressed to Mr Webster Secretary of State a communication dated the 16th. inst, in which I called his attention to the situation of the Indian tribes resident within the limits of Texas and bordering upon the United States and the intercourse and trade carried on between those tribes and the citizens of the United States adjacent to them: setting forth its detrimental effects upon the population of our Frontier and urging upon the Govt. of the United States the propriety of interdicting the trade and commerce alluded to, a copy of which communication is hereto annexed for the better information of the Department.

[a] L. S.; endorsed "Recvd 12th Jany 43."

I called yesterday upon Mr Webster Secretary of State who informed me that the communication above refered to had been laid before the President and that the proper Department had had its attention directed to the subject and was preparing an answer; and that the United States Government would take such steps as would accomplish the objects sought to be obtained, so far as they might be enabled to ferret out the individuals concerned in the traffic alluded to. In connection with this same subject, I was informed by Mr Spencer Secretary of War that lately much complaint had been made to the Govt. of the United States by several of the friendly tribes residing on and near Red River, against several individuals, citizens of Texas and residing in the Red River Counties, who had been Engaged in carrying over and selling to the Indians whiskey and other ardent spirits, contrary to the laws of the United States and the instructions given to their agents in that quarter; in consequence of which the War Department had issued orders to the commandants of the United States forces in that quarter to adopt the most rigid measures to suppress the traffic and bring to justice these violators of the laws and regulations of their Govt. The Secretary of War also informed me that official information of these facts would in a few days be communicated to my Government which would assure it that these orders were dictated by the President from the most friendly feeling towards the Govt. of Texas and not from a desire to interefere with the rights of her citizens. So soon as a written answer shall be received to my communication to the Secretary of State, I will immediately transmit the same to your Department.

In my last despatch I had the honor to inform the Department that in a conversation with Mr Webster Secretary of State which I had had with him a few days previous, I had invited his attention to the existing hostilities between Mexico and Texas and the character of warfare waged by the former against the latter, and the desire of the Texian Government to invoke the interposition of the United States to arrest this species of warfare by requiring of Mexico the acknowledgment of the Independence of Texas or to make war upon her acording to the usuages sanctioned by the principles of international law. In order to bring this subject more formally to the consideration of the Government of the United States, on the 14th. instant I addressed to Mr Webster Secretary of State a communication in writing upon the subject, couched in nearly the same terms as the communication from your Department addressed to the Hon Joseph Eve Chargé d Affaires of the United States to Texas with such additional reflections and arguments as seemed to me calculated to enforce its importance upon the Government of the United States, a copy of which is hereto annexed for your information. Since the date of the communication just refered

to I have had frequent interviews both with the President of the United States and the Secretary of State, in which the correctness and propriety of the positions assumed by the Government of Texas were fully admitted, and in a conversation I had with Mr Webster Secretary of State on yesterday he told me it was the determination of his Government to seize the earliest favorable apportunity to take some action thereon, although his Government has not finally determined what would be the proper policy for it to adopt but that so soon as a decission should be made I should be informed of the result. Mr Webster further informed me that he had just had a conversation with Genl. Almonte the Mexican Minister resident here in which he had intimated to Genl Almonte his opinion of the impracticability of the reconquest of Texas by Mexico and that he had stated to Genl Almonte in unequivocal yet respectful terms that Mexico must cease the predatory warfare which she had lately pursued against Texas and that Mexico must either recognize the Independence of Texas or make war upon her according to the rules of civilized nations. These latter remarks Mr Webster said he had repeated to Genl Almonte on two or three different occasions. Mr Webster suggested the propriety of the Government of Texas making a similar request of Great Brittain and France for their co-operation with the United States in the interference invoked. I replied to Mr Webster that such a communication had been addressed to those Governments with the hope that a united co-operation and alliance might be formed for the attainment of the object sought. Mr Webster gave it as his opinion that the proper time to urge this subject upon the Mexican Government would be so soon as the result of the expedition against Yucatan was made known which from the latest intelligence we are led to believe is likely to result in a failure. Should this expedition prove unsuccessful no fear need be entertained of any formidable effort being made against Texas for the present. So soon as I shall learn the determination of the United States in regard to this subject I will promptly communicate the same to your Department. And here permit me to suggest the importance (if the same have not been done) of calling the attention of our Representative in Europe to this subject, a representation of which made by him directly to the British and French Governments would be more likely to elicit a prompt attention on the part of those Governments than if the same had reached them through their Representatives residing in Texas.

Not with a view of exciting the expectations of the Government of Texas that the interposition which has been invoked will be successful, (like expectations having been often raised and as often failed.) Yet I would submit the propriety, if the same shall not conflict with the known interests of the country, that the forces of Texas, until

the result of this negociation shall be made known, should confine their operations to the defence of our own soil. In speaking of this subject in my last despatch as well as in this I have sought to confine myself rather to a narration of the facts as they have come to my knowledge in conversations had with the President and Secretary of State here, than to give opinions of my own which are perhaps immature and unfixed, satisfied, as I am, that the wisdom and intelligence of His Excellency the President and the Secretary of State of Texas will enable them to draw proper conclusions therefrom.

In my instructions of the 26th. of July last, my attention was directed by your Department to such instructions as had been given to my predecessors near this Government. By an examination of those instructions I find that they were directed to ascertain the views of the Government of the United States upon the subject of the annexation of Texas to that Government as an integral part thereof. Accordingly since my arrival in this City I have sought every opportunity consistent with prudence and the strictest rules of propriety and under the most perfect confidence on all occasions to ascertain the views of the Executive, his Cabinet and Members of Congress upon that subject which I conceive so highly important to Texas. The President as well as a majority of his Cabinet are decidedly anxious for the accomplishment of such an object, and so express themselves without reserve. The only difficulty is the fear of the rejection of such treaty (if made) by the Senate. Mr Tyler said to me on yesterday that so soon as he might be satisfied that the cooperation of the senate could be had, he would be willing immediately to make the Treaty. I have to day conversed with some of the most prominent leading partisans of the President in Congress. They are decidedly in favour of his making the treaty believing it would render him omnipotent in the South and West. The only question with them is whether the treaty should be concluded during the sitting of the present Congress or subsequent to its adjournment and during the recess so that the same might be discussed before the people and acted upon at the next session of Congress. I believe that the time will soon arrive when it will be in the power of Texas, through her Representative here, if such is now the desire of the Government of Texas, to accomplish this important object. It remains then with the Government to determine whether I shall be furnished with the necessary powers to conclude such a treaty should the opportunity be offered. To enable me to do so a full power must be necessarily furnished for that specific object. The determination of the Government upon this subject I hope will be communicated to me at the earliest day possible, so that I may act advisedly upon the same.

The treaty concluded by Major Riley has not as yet received the action of the Senate—some decided opposition is made to its ratifica-

tion by a portion of that body. I have endeavored to press the importance of an early action upon it but at the same time have labored under the singular misfortune of not knowing positively a single provission that it contains. Not having found either a copy or record of the same among the records or papers of this Legation, I applied to the Secretary of State of the United States who promised me a copy but upon examination discovered that the only copy which had been taken by the Department was in possession of the Senate. I then at the suggestion of Mr Webster Secty of State applied to the Senate through Mr Archer chairman of the Committee on Foreign Relations with a view to obtain a copy of the same, and was replied to that the rules of Secrecy of the Senate forbid the communication of such matters even to those who were presumed to be already cognizant of their contents. Mr Walker of Mississippi promised to make an effort to obtain me a copy by consent of the Senate; if this fails, I must continue to fight on in the dark. The failure of Maj Riley to leave a copy of the treaty upon the records of the Legation I am well satisfied arose not from any culpable neglect on his part but alone from the fact that the treaty was concluded but a short time before he left Washington and being without a Secretary I have no doubt but that it was forgotten by him in the bustle incident to his departure.[a]

It gives me pleasure and I avail myself of this occasion to express to Your Department the activity and zeal which it is universally conceded characterized Maj Riley's action while here, and the highly favorable impression as to his talents and promise with which he has impressed those with whom he has been associated while in the discharge of the duties of his station

In your Despatch to me of the 28th. of August last my attention was directed to the illicit trade carried on by persons navigating the waters of Sabine Bay and Pass with a view of effecting a conventional arrangement with the Government of the United States which would invest the Revenue Officers of Texas with the power of seizing upon such individuals with their crafts as were found selling merchandize to the citizens upon the border which had not been first entered at the Texian custom house and the duties paid thereon. I have refrained from bringing this subject to the consideration of the Govt. of the United States from the fact that I was not aware, (for reasons before stated,) whether or not such a provission may not have been already incorporated in the treaty concluded by Mr. Riley. So soon as I am enabled to ascertain that fact, should a sufficient protection not have been provided, I will immediately urge it upon the consideration of the Government of the United States.

[a] A triplicate of the treaty had been kept in the archives of the legation till Reily's departure for Texas, when he took it with him, apparently without leaving a copy for those archives. See Reily to Waples, December 12, 1842.

With sentiments of the highest Esteem I have the honor to be with great respect

Your Obt. Servt.

ISAAC VAN ZANDT.

[Next come copies of the following[a]: Van Zandt to Webster, December 14, 1842; and Van Zandt to Webster, December 16, 1842.]

JONES TO EVE.

(Copy)

DEPARTMENT OF STATE
Washington [*Texas,*] *24th Decr 1842*

Honl JOSEPH EVE
Chargé d'affaires of the United States,
To Texas.

SIR,

The undersigned Secretary of State of the Republic of Texas has the honor to acknowledge the receipt of the note of Mr Eve, Chargé d'affaires of the United States, informing him that the letter from this department upon the subject of the predatory war carried on by Mexico upon Texas, had been sent to General Thompson, United States Minister at Mexico, and that he would in a few days present the subject to the consideration of the President of Mexico; and presenting a claim of Mr Thompson's upon this Government for the probable amount of six thousand five hundred dollars being money's expended in behalf of the Santa Fé prisoners.

The undersigned begs leave in reply to assure Mr Eve that the eminent services rendered to Texas by Mr Thompson on a former occasion in the Congress of the United States in presenting as a member of that body the resolutions for a recognition by that Government of her independence, and his able and zealous advocacy of that measure as well as the evidence he has always manifested of his friendship to our cause; and his noble and disinterested exertions in procuring the release of the Santa Fé Prisoners from bondage in Mexico, are well known to this Government, and deserves as it has and the undersigned trusts will ever continue to receive the deepest gratitude

The undersigned is directed by the President further to assure Mr Eve that he extremely regrets, the embarrassments which Mr Thompson has suffered in consequence of his advances made to those unfortunate men; but no account of these disbursements, having ever been rendered to this Government by the commanding officer of that

[a] See Calendar.

expedition the President is not enabled from any documents with which he has been furnished, to ascertain the amounts received or expended in Mexico. He will however, in compliance with the request of Mr Eve, and in courtesy as well as justice to Genl. Thompson present the subject to the early notice of the Congress now in session, for its action.

The undersigned embraces this occasion to renew to Mr Eve the assurances of the high regard with which he has the honor to be

His most obdt servt

(Signed) ANSON JONES

JONES TO VAN ZANDT.[a]

DEPARTMENT OF STATE,
Washington [Texas], 25th Dec., 1842.

Hon. ISAAC VAN ZANDT,
Charge d Affaires of Texas.
etc. etc. etc

SIR,

In my dispatch of the 23d. Inst. I had the honor to inform you that the 9th of February next had been fixed upon, at the old Waco Village on the Brazos as the time for holding a general Council with the various tribes of hostile Indians within our limits and upon our borders for the purpose of forming a Treaty of Peace with them, and to request that you would urge upon his Excellency, the President of the United States the immediate dispatch of commissioners on the part of the United States, so that they might arrive at the Council Ground, as early at least as the 20th. day of Feb'y etc.

This matter being of very high importance to Texas, I beg leave to repeat the request, that it meet with your earliest attention. Both Texas and the United States are deeply interested in the pacification of these Indians; and should Mexico in her madness attempt a general invasion of this Country next spring (which is strongly threatened) much advantage will be derived to Texas, by the neutrality of these Indians, even if they should not conclude to carry on a war of their own upon northern Mexico. They will at all events be strongly stimulated to hostilities with our enemy, should we be invaded, as the opportunity of stealing horses, mules, etc. from the Mexicans will be so favorable.

As early as 7th. June last Mr. Ashbel Smith our Chargé d' Affaires at the Courts of England and France was instructed to sound those Governments upon the subject of a triple interposition on the part of

[a] See Records of the Department of State (Texas), Book 44, pp. 102–105.

the United States and those powers, in the affairs of Texas and Mexico, with a view of a settlement of the existing difficulties and a recognition of our Independence by the latter. Mr. Reily in the meantime has presented the subject of mediation to the Government of the United States and obtained the promise of their good offices.

Mr. Smith in accordance with his instruction has communicated with France and England, and the result has been that each of those powers are willing to employ their influence in mediating, but conclude that it will be, most expedient to act separately. The following extract of a letter received by the President from Mr. C. Elliot Chargé d' Affaires of Her Majesty will more clearly explain to you the views of those Governments and I therefore send it for your own information

It is as follows:

[Private]

GALVESTON, *Decr. 27th*[a] *1842.*

MY DEAR GENERAL,

By the "Neptune" I have received a despatch from Lord Aberdeen dated November 3d. enclosing a correspondence with Her Majesty's Embassador at Paris upon the subject of the triple mediation under the auspices of Great Britain, France, and the United States, which Mr. Ashbel Smith had proposed by instructions from here. Her Majestys Government leans to the opinion, "that it would be better "on all accounts that each party should act separately, but similarly" "in point of tone and argument in urging the Mexican Government" "to reconsider the subject, dispationately and impartially, and to" "lose no time in coming to an accomodation with Texas on the" "basis of a recognition of the Independence of that country." Lord Cowley (the Embassador at Paris) says in reply—Octr. 24th "after" "reading the despatch (Lord Aberdeen's) M. Guizot said that he" "was entirely of your Lordship's opinion that a Joint mediation of" "Great Britain, France, and the United States for the purpose of" "effecting an accomodation between Mexico and Texas would not" "under present circumstances answer any good purpose, and that it" "would be better that each Government should act separately," "but in strict concert with a view to the attainment of the proposed" "objects." And M. Guizot further requested Lord Cowley to "leave Lord Aberdeens despatch and its enclosures with him, in order that he might prepare instructions of a similar tenor for the French Minister at Mexico. I am sure my dear General, that this intelligence will afford you satisfaction, and I cannot but repeat the sincere

[a] Comparison with what appears to be the first draft of Jones to Van Zandt, December 25, 1842, filed with the correspondence, indicates that this date was copied incorrectly, and that it should be the 7th.

hope that I shall soon have to congratulate you on more cheering prospects than those of the last few months."

You will therefore, at an early period present this conclusion to the consideration of the Govt. of the United States, in order that they may assent to the same, and employ their good offices in a way which will afford the best possible chance of being effectual.

The course and conduct of Genl. James Hamilton, in intermedling with the affairs of Texas, both in England and the United States, I am instructed by the President to assure you, meets with his decided disapprobation, and should it become necessary, or be deemed proper by you at any time, you will make the same known to the Govt. of the United States. The enclosed extract of a letter from Mr. G. W. Terrell, Acting Secretary of State, under date of 10th Decr. Inst. to Mr. Smith our Chargé d'Affaires to England and France, will more fully inform you of his views in relation to this matter.

The intermedling with the affairs of Texas in the United States above referred to, is an offer on the part of Gen. Hamilton to open negotiations on certain conditions with Mr. Almonte the Mexican Minister for the cession of Texas to the United States etc. etc. Several letters on this subject have been written to this Government. The following however will put you in possession of the facts in relation to it.

(Genl. Hamilton to Genl. Houston)

Private and confidential.

SAVANNAH, *November 6th 1842*

His Excellency, SAM HOUSTON,

President of the Republic of Texas.

"SIR,

On my way through Washington the last week, I called on Genl. Almonte, and had a long conference with him in reference to the relations between your respective countries. Although he informed me that the moment Genl. Santa Anna could concentrate his forces by sea and land, he would make a combined attack on Texas, yet I could easily perceive that he thought the conquest was a fruitless one, if it could be made. And that Mexico after the point of honor was saved, and she was in possession of the country so as to give internationally a valid title, would find it to be to their interest to sell the country and get rid of a distant and dangerous possession.

I replied to this, but suppose you do not conquer the country and are driven back—what then? He said, in such an event we must do the best we can. But that best, I rejoined may land you where you began. He then said that he would be happy at all times to hear from me and to cooperate with me in all measures calculated to subserve the cause of humanity between the two countries and wound up by soliciting my correspondence.

I have believed from this posture of affairs that an opening may be made to do something towards an amnesty and ultimate pacification. I have therefore written to Almonte and suggested that if he would communicate with his Government and get powers to act in this matter, I have assured him that I would write you, requesting you without any public appointment challenging the smallest degree of publicity, to authorize me *privately* to treat as a secret agent.

If on a subject of such deep importance to the country over which you preside, you think I can be of any service, I am perfectly willing when I get your answer, and he gets his, to go on to Washington and have a full conference with him and invoke the interposition of the United States Government. I can enlist Mr Webster and Mr Calhoun, the two most influential minds in the United States, most warmly in the negotiation; which I think at all events worth trying."

(Genl. Hamilton to Genl. Houston)

Private and confidential.

COLUMBUS *Novr. 25th 1842.*

"SIR,

I beg leave to apprise you that I have written both to Mr. Calhoun and to Mr. Webster, of whose good offices I am assured in the event of my being authorized by you to treat privately with Genl. Almonte. I have very confident hopes of making an arrangement for a pacification of the two countries. The plan I should suggest, would be that Mexico should cede Texas to the United States in payment of her claims, and under this cession the United States should under her recognition of the independence of Texas, recede the country to your Government, take your obligations to pay the debt of Mexico to the United States, under a distinct understanding that after this retrocession, Mexico should acknowledge your independence and agree to a boundary, should it be to the Rio Grande or the Nueces must be a point to be determined by yourself. I am sure that no unkind feeling towards me will induce your Excellency for one moment to hesitate to enable me through the friendship and confidence of the President and Messrs. Webster and Calhoun to serve the Republic in a matter so vital to her interests. I assure you that I am willing to work night and day to secure to the country the blessing and to your Excellency's Administration the honor of a favorable pacification. I believe it can be effected this winter at Washington, if you will only give me the requisite authority. The expedient of a temporary cession to the United States may furnish a means of satisfying a mere punctilio of Mexico.

I believe that Great Britain and France feel too little interest in Texas, and have too large a one in the commerce of Mexico to justify our counting on their mediation. Indeed, engrossed in the important

circle of European politics they never think of Texas, except under the pressure of an immediate application. Whereas the vicinity of Texas to the United States and the sympathy of her people have convinced me that we must look to Washington as the scene of action and means of success in this important affair."[a]

P. S. I merely throw out as a suggestion to your Excellency the,[b] the cession and retrocession of Texas, as a mere salve for the absurd pride of Mexico. If you see anything objectionable in it pray give me your own views. It would be a great point however to get two such heads as John C Calhoun's and Danl. Webster's to work on this subject. This I can get; and I believe a pacification will be the result.

For many and very obvious reasons which will be communicated to Genl. Hamilton, the President directs me to say that the agency of that individual will not be employed by this Government in any manner whatever.

This Department has not as yet been apprized of your arrival at your post. This, however, is sent with the confident hope that you will be there on its arrival. I regret that any circumstances should have delayed you so long, as it is highly important you should be at Washington.

You will please keep this Department constantly advised of every thing of importance which transpires, connected with the interests of this country, at the court to which you are accredited.

I have the honor to be,

With the highest respect,

Your most obdt. Servt.

ANSON JONES.

JONES TO VAN ZANDT.

DEPARTMENT OF STATE

[*Washington, Texas,*]

Decr. 26h 1842

Hon. I. VAN ZANDT

Charge d' affaires of Texas

etc etc

SIR

By dispatches recently received at this Department from the Hon. Ashbel Smith our Chargé d' affaires at London, I am informed that the "Convention" between The President of Texas and her Majesty the Queen of Great Britain concluded at London on the 14th Novr. 1840, for a mediation between Texas and Mexico, had been presented

[a] This quotation mark should have been placed at the end of the postscript that follows.

[b] Possibly the copyist omitted something here.

by her Majesty's Minister to the consideration of the latter Government and promptly refused, and that all prospect of success in the mediation of England under that Convention was "utterly hopeless"

Texas therefore has to rely either upon the triple Mediation of the United States France and England or in the event of this failing, upon another appeal to arms. The sooner therefore the matter is decided the better and I have to request that you will present the subject of a concert of action between the three powers in making a representation in reference to this matter to Mexico according to my recent instructions, at the earliest possible period.

The Treaty of Amity Commerce and Navigation between Texas and the United States, recently concluded at Washington has been presented to the Senate and received its sanction to the ratification thereof. The President was desirous that the 5th Article should be slightly amended and so as to express more clearly the intention of the two contracting parties, and to specify that the immunities granted and received were, conditional, and for a valuable consideration, and to prevent any cavil with other nations who might claim, freely, the same immunities.

Your attention is desired in endeavoring to procure an early action of the Senate and President of the United States in ratifying this Treaty as it is of immediate and most pressing importance to the agricultural and commercial interests of Texas.

So soon as you shall have presented the subject of the triple Mediation to the consideration of the Govt. of the United States and received its answer, you will please communicate the same directly to Mr. Smith for his information Mr. S. is now at Paris at which post he will probable remain some time, and where your letter will reach him. You can direct to the care of John H. Brower Esq Texian Consul New York who will forward the letters

I have the honor to be
With the highest respect
Your Most Obt. Svt.
(Signed) (Anson Jones)

Van Zandt to Terrell.[a]

Legation of Texas
Washington City, Decr. 27th. 1842.

Hon. G. W. Terrel
Atty Genl and Acting Secty of State

Sir, At the request of Mr. Riley I have the honor to transmit to the Department of State a copy of Despatch No. 90, the original of

[a] A. L. S.

which Mr. Riley informs me was lost on board the Merchant. The following is a copy of the same from the records of this Legation—

[Here follows a copy of Reily to Jones, August 3, 1842.]

In a few days I shall write again to the department, when I hope to be able to communicate some thing more favorable and definite in regard to the interposition of the United States as alluded to in my last despatch

With high consideration I have the honor to be

Your Obedient Servant

ISAAC VAN ZANDT

HALE TO EVE.[a]

JONES TO VAN ZANDT.

DEPARTMENT OF STATE

Washington [*Texas,*] *Decr. 28th 1842*

To the Hon.

ISAAC VAN ZANDT

Chargé d' Affaires of Texas

etc etc

SIR,

Herewith I send you a copy of the President's Message to the Senate, transmitting to that body, for its advice and consent, the Treaty of Amity Commerce and Navigation with the United States: and also a copy of the amendment to the 5th Article, which it was proposed should be adopted.

The Senate however by their resolution of the 22d. Inst advised and consented to the ratification of the Treaty in its original form, to which conclusion it is understood the Senate was brought by an apprehension that any modification here would, hinder and delay its ratification on the part of the United States.

These documents will put you in possession of the views of the President in relation to this Treaty, and should the Senate of the United States, think proper to make the modification to the 5th Article, as therein suggested, it will no doubt be assented to readily by this Government.

I have to repeat the request contained in a former letter that you will use every proper exertion to have an early action taken on the Ratification of this Treaty, by the Government of the United States;

[a] December 27, 1842. See Eve to Jones, January 26, 1843;. also, Mayfield to Bee, April 20, 1841, notes.

and that you will transmit the earliest possible intelligence thereof to this Department, for its information.

The Ratification of the Treaty between Texas and Holland have been exchanged at the Hague and the Ratification on the part of Holland was yesterday received at this office.

I have the honor to be
with the highest respect
Your Obt Svt

(Signed) ANSON JONES

[Copy.[a]]

EXECUTIVE DEPARTMENT,
Washington, [*Texas*,] *December 19, 1842.*

To the Honorable the SENATE:

I have the honor to transmit herewith the treaty of Amity, Commerce and Navigation between the Republic of Texas and the United States of America, concluded at the City of Washington on the 30th July last, by their respective plenipotentiaries, for your constitutional advice and consideration, in reference to its final ratification.

The stipulations of this treaty, it is believed, are as favorable to Texas, as, under existing circumstances, could be expected; and I respectfully recommend it to your favorable regard.

By article V, an important concession is made to the United States, in the privilege granted of importing a large class of goods into this country, for exportation, free from any duty or charges whatever. This opens to those goods the trade of Northern Mexico. On the other hand, the raw cotton of Texas is permitted to be imported into the United States, free of duty, for five years; and a corresponding class of goods to that referred to, are permitted to be imported into the United States for exportation, free from any duties or charges, during the continuance of the treaty. The privilege of repacking goods, destined for retransportation to a foreign country, is also mutually conceded.

These concessions, made in favor of goods, the growth, produce and manufacture of the United States, it might be contended, from the language of the article, are free and gratuitous, and would therefore, according to the terms of our treaties with France, England and Holland, become immediately common to all of those nations.

Since the instructions under which Mr. Reily, our able Chargé d'Affaires, negotiated this treaty, were given him, information has been received that France is anxious to obtain from this Government

[a] See manuscript Journal of Senate, Seventh Congress, Republic of Texas, 144.

the same privileges which are by this article extended to the United States, and that she would be willing to grant some important equivalent in consideration thereof. It is fairly to be inferred that England and Holland would do the same. In order therefore, to prevent any cavil, in relation to this article, and to secure to Texas the important advantages which might hereafter result from withholding, without an adequate compensation, the privileges and immunities granted the United States in this article, from other nations, I would most earnestly recommend the Honorable the Senate, so to modify or amend the Vth article, as clearly to express the fact that the concessions made therein were for a valuable consideration, and not, as might now be contended, gratuitous and free, and therefore common to all those powers with which we already have, or might hereafter form commercial treaties. A very slight alteration in the language of the article would effect this desirable object: and as it would render the treaty more acceptable to the United States, it is presumed no additional delay would result in its ratification by that government.[a]

SAM HOUSTON.

EVE TO JONES.

LEGATION OF THE UNITED STATES
Galveston December 30th. 1842

The honble.
ANSON JONES *Secretary of State*
of Texas

SIR

It is my unpleasant duty, again to call your attention to the claim of Captain Means upon the Government of Texas, for the use of the Brig Retrieve thirty six days at twenty five dollars per day, impressed into the service of Texas by order of the Executive, as well as the damages for the injury which his vessel sustained while employed in that service. Also the damages claimed by the first and second mate who were impressed into the service and forcibly detained on

[a] The proposed amendment, which cannot be given in the exact form in which it appeared as enclosed, made Article V read as follows: "The two contracting parties agree that raw cotton, the produce of either country, may be imported into the other free of duty, for five years from the exchange of the ratification of this treaty; and that for and in consideration of the advantages which Texas will derive from the foregoing stipulation, and of the reciprocal advantages to be derived from the following, it is further agreed that on all articles, the growth, produce or manufacture of either country sent from one country by land, river or sea, and exported to a foreign country, no duties or charges shall be required to be paid to the Power within and from out of whose limits such articles arrive and depart, that they may be repacked for exportation, under the inspection of the proper authority, and at the expense of the party interested." See Records of the Department of State, Book 8, p. 174.

that vessel during its voyage to Live Oak point and back to Galveston.

By reference to a letter from the State department of Texas to the undersigned upon this subject, dated Houston July 30th. 1842 it is admited that the President had offered to pay captain Means twenty five dollars per day for the use of his vessel, and by reference to the certificates of Captain Boylan, Captain Appleman, and Colonel Jackson, all officers in the service of Texas it will be seen that the Brig Retrieve was detained in the service of Texas thirty six days, which at twenty five dollars per day amounts to nine hundred dollars the sum claimed by Captain Means. By reference to the affidavit of A. F. Jones and John Delesdenier port recorders and the affidavit of Captain John Appleman it will be seen that the Brig Retrieve sustained considerable injury while in this service.

Captain Meanes claimed five hundred dollars as not more than a reasonable indemnity for the injury which his vessel had sustained while in this service.

Since the meeting of the present Congress and while the undersigned Charge d' Affaires was at Washington, anxious to adjust this whole difficulty in a spirit of liberality [he] agreed with Judge Terrell then Acting Secretary of State of Texas, that if an appropriation was made by which Captain Meanes would receive nine hundred dollars and a reasonable allowance for the injury of his vessel, it would be received in full discharge of all further claim, leaving Captain Means as the owner of the vessel to pay the first and second mates what they might be entitled to receive

The undersigned in order to avoid all further controversy with the Government of Texas upon the subject, proposes to take two hundred dollars in discharge of the damage the vessel sustained making in the whole eleven hundred dollars.

This proposition is made with the confident hope that it will be met in the same conciliatory spirit with which it is made, and that the appropriation will be made without further difficulty or delay. Should the sum of eleven hundred dollars not be accepted by this Government, but the damages left to future investigation, the proposition to receive two hundred dollars in discharge of the damages is not to be considered binding upon Captain Meanes as it is confidently believed that, that sum would not repair his vessel or compensate the injury which it sustained

With renewed assurances of high regard and respect

I have the honor to be

Your Obedient servant

JOSEPH EVE.

JONES TO VAN ZANDT.

DEPARTMENT OF STATE,
Washington [Texas,] Decr. 30th 1842

The Hon.

ISAAC VAN ZANDT, etc etc

SIR, I have the honor to transmit you the following, extract of a letter from Jesse Benton Esq. District Attorney for the 7th. Judicial District of the Republic of Texas addressed to this Department; on the 15th day of November last, in relation to the conduct of Mr. Ups[h]aw, United States Agent for the Choctaw Indians.[a]

The above extract of Mr. Benton's letter constitutes the concluding part of his reports to this Department of certain investigations and proceedings he was directed to institute in his District on the subject of some outrages which were said to have been committed by citizens of Texas, upon the Indians residing within the United States; and which had been brought to the notice of this Government by the Hon. Joseph Eve, Chargé d'Affaires of the United States, here.

You will therefore on receipt of this communication send a copy of the above extract from Mr. Benton's letter, to the Secretary of State of the United States, with a request that the matters therein charged against Mr. Upshaw the Agent for the Choctaw Indians, may be duly investigated and that such course be pursued, with this agent as the facts found to exist may seem properly to require.

I have the honor to be with the highest respect

Your Most obt. Svt

(Signed) ANSON JONES

[a] For the extract, which is not on file with the copy of this letter kept in the archives, see Van Zandt to Webster, February 3, 1843 (Calendar).

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